

Lately Published.

THE Seventh and Eighth Volumes in *Folio*, of a Collection of State-Trials, and Proceedings upon High Treason, and other Crimes and Misdemeanors, from the Reign of King Edward VI. to the present Time.

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1. Proceedings in Parliament against Sir *Thomas Seymour* Knt. Lord *Sudley*, for High Treason, 2 & 3 Ed. 6.
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3. Proceedings against *Edward Duke of Somerset*, for High Treason and Felony, 5 Edw. 6.
4. The Arraignment of Sir *Thomas Wyat* Knt. at *Westminster*, for High Treason, 1 Mar. R.
5. The Arraignment and Trial of Mr. *Davison*, in the Star-Chamber, for Misprision and Contempt, in sending down the Warrant to behead the Queen of Scots, 30 Eliz.
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1609/1991. *P. Dugdale*

THE
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By *W. NELSON*, of the *Middle Temple*, Esq;

In Two Volumes.

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at the Sign of the Crown, near St. Dunstons Church.
E. NUTT, R. GOSNOLD, and R. SMITH, Printers.
MDCCLXXVI.

Oaks.

See Wood and Leather.

Oaths.

AN Oath (which ought to have for its Companions Truth, Judgment, and Righteousness) is an Affirmation or Denial of any Thing before one or more, who have Authority to give the same, for the Advancement of Truth and Right, calling God to Witness that the Testimony is true; and 'tis called a Corporal Oath, because he toucheth the Scripture with his Hand.

See a further Definition of an Oath in the Introduction, in the First Volume.

There were four Sorts of Oaths required of Subjects, to testify their Allegiance to the King.

The First was an Oath at Common Law, taken in the Court-Leet.

The Second was by Act of Parliament. 28 H. 8. cap. 7. which concerned the Supremacy.

The Third was *per Statute* 1 Eliz. c. 1. which altered the Oath of Supremacy.

The Fourth was the Oath of Allegiance, *per Stat.* 3 & 4 Jac. and upon this last Act the Lord *Vaux* was indicted, he refusing to take the Oath; and being convicted on his own Confession, had Judgment of *Præmunire*, which is, That the Offenders are to be out of the King's Protection, forfeit their Lands and Goods, and be imprisoned and ransomed at the the King's Pleasure, &c. and if they are not found they shall be outlawed. 16 R. 2. c. 5.

If an Oath be taken before a Magistrate who hath no Authority to administer, 'tis void; but if it is voluntary and false, the Offender was punish'd formerly in the *Star-Chamber*; and if it is in a Spiritual Manner, *viz.* If a Woman swear to marry a Man, and doth not, she may be punished in the
Vol. II. B Eccle-

Oaths.

Ecclesiastical Court *pro laesione Fidei* (for the Hurting of the Faith). *Cro. Eliz.* 469. *Knight versus Rusbworth.*

—Peers are sworn as Witnesses, in *Juramentum probationis* (upon Oath of the Proof): But when they are Defendants, they answer upon their Honour. *Jones* 154. the Earl of Lincoln's Case.

The Oaths of Allegiance and Supremacy were enjoined by 1 *Eliz.* and 3 *Jac.* but are now abrogated by the Statute of 1 *W. & M.* c. 8. and these Oaths enjoined.

I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to his Majesty King George.
So help me God.

I A. B. do swear, That I do from my Heart abhor, detest, and abjure, as impious and heretical, that damnable Doctrine and Position, That Princes excommunicated and deprived by the Pope, or any Authority of the See of Rome, may be deposed by their Subjects, or any other whatsoever: And I do declare, That no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority, Ecclesiastical or Spiritual, within this Realm.

So help me God.

Two or more Justices, *Quorum unus*, may send Warrants to Constables to summon any above eighteen Years to take the said Oaths, which being lawfully tendered, and refused, the Offender may be committed to Gaol, or House of Correction for three Months without Bail, unless he pay 40*s.* or any lesser Sum the Person tendering shall think fit, to the Use of the Poor where the Offender did last reside.

If after the End of three Months he still refuse, he shall be committed for six Months, unless he pay 5*l.* and under 10*l.* and must be bound with two Sureties to be of the Good Behaviour, and to appear at next Assizes, and there the Oath shall be tendered again in open Court; and if he refuse, &c. shall be incapable of any Office, and be of Good Behaviour till he takes the Oaths.

And if he refuse to subscribe the Declaration mentioned in the Statute of 30 *Car.* 2. c. 1. shall be taken to be a Popish Recusant.

By 7 & 8 *Will.* c. 27. If after 1 *May* 1696. any refuse to take the said Oaths when tendered, or to appear when summoned, shall be liable to the Penalties of a Popish Recusant convict.

Shall not give a Vote at the Election of Members for Parliament.

May mitigate the Penalty of 40*s.* per 1 *Will.*

By



Oaths.

3

By 7 & 8 W. upon Refusal to swear, or to appear upon Persons tender-
Summons, the Justice must enter in Parchment the Names ing.
and Abodes of the Persons, &c. with the Time of the Ten-
der, and certify it to Assizes or Sessions, who may certify it
to the *Exchequer*, who may issue Process against Goods and
Lands of the Offender.

By the same Statute; it is a *Premunire* for any *Lawyer* to Lawyers.
practise after 25 May 1696. not having before taken the Oaths,
and made and subscribed this Declaration.

I A. B. do declare, That I do believe that there is not any 15 Car. 2. c. 2.
Transubstantiation in the Sacrament of the Lord's Supper,
or in the Element of Bread and Wine, at or after the Conse-
cration thereof by any Person whatsoever.

Lords Spiritual and Temporal must not sit or vote before Parliament
they take the said Oaths, and make and subscribe the Decla- 1 W. & M. c. 1.
ration mentioned 30 Car. 2. c. 1.

Two Justices out of the Sessions may tender those Oaths to
any Person of 18 Years of Age or upwards, who stands con-
victed or indicted of *Recusancy*, or to those who have not re-
ceived the Sacrament twice in the Year before, &c. 3 Jac.
c. 4.

And now by a late Statute it is provided, That any two 6 Ann. c. 14.
Justices of the Peace (*Quorum unus*) may summon before them
such Persons whom they shall suspect to be disaffected to the
Government, and may tender the following Oath to him; and
if he refuse to take it, then they must certify his Christian and
Surname, and Place of Abode, to the next Quarter-Sessions,
there to be recorded; which Record the Clerk of the Peace
shall certify, either to the Court of *Chancery* or *Queen's Bench*,
and there likewise to be recorded; and if the Person so refus-
ing shall not at the next Term or Sessions, after such Refu-
sal, appear in that Court where the Certificate shall be re-
turned, and take and subscribe the said Oath, he shall be ad-
judged a Popish Recusant convict, and shall forfeit such Pe-
nalties as such a Recusant ought to do. Which Act with Re-
spect to *Scotland*, &c. was afterwards enlarged and explained
by 8 Anna, c. 14.

And by another Statute all Persons who shall be admitted 1 Geo. c. 15.
into any Office, Civil or Military, shall within three Months enlarged to 6
take and subscribe the Oaths in one of the Courts at *Westmin-* Months. See
ster, or at the Quarter-Sessions where he resides. pag. 16.

And Persons beyond Sea are to take the Oaths within three
Months after their Return.

Persons refusing, &c. shall be adjudged incapable to enjoy
their Offices, and the same shall be void.

Such Person neglecting, &c. and yet executing any Office
by himself or Deputy, and being thereof convicted, shall be
disabled

Oaths.

disabled to sue, &c. or to be Guardian or Executor, or capable of any Legacy, or to vote for a Member to Parliament, and forfeits 500*l*.

Any two Justices, or other Persons specially appointed by Order of Council or by Commission under the Great Seal, may tender the Oaths to any Person suspected to be disaffected; and if they refuse, may certify the Refusal to the next Quarter-Sessions, which from thence shall be certified by the Clerk of the Peace into the Court of Chancery, there to be recorded; and such Person shall be adjudged a Popish Recusant convict.

Two Justices may summon any Person to appear at a Day and Time appointed to take the Oaths, (the Summons to be left at his Dwelling-house) and he not appearing, and Oath made of the Summons, the Justices shall certify it to the Sessions; and if he doth not appear then and take the Oaths, his Name shall be read, and he shall be taken to be a Popish Recusant convict, and it shall be certified by the Clerk of the Peace into Chancery. See the Statutes of 1 Geo. 2. *ff*. 1. c. 5. & *ff*. 2. c. 23. for indemnifying such as had omitted to qualify themselves for Offices and Employments, within the Time limited *supra*, and for allowing further Time for that Purpose, and repealing so much of the two former Acts, as requires Persons to qualify themselves to continue in Office, &c. for six Months after the King's Demise.

The Oath to be taken by every Person who shall be admitted to any Office, Civil or Military, within * three Months after his Admittance, &c.

* Six. See after.

I W. N. do truly and sincerely Acknowledge, Profess, Testify and Declare in my Conscience, before God and the World, That our Sovereign Lord King George is lawful and rightful King of this Realm, and of all other his Majesty's Dominions, and Countries thereunto belonging, &c.

A Certificate for one who hath taken the Oaths, and subscribed the Declaration
1 Will. &c. c. 8.

Middlesex, to **T** Hese are to certify, That R. B. of the Parish of H. in the County aforesaid Esq; came before his Majesty's Justices of the Peace at the Sessions held at H. &c. on Thursday, &c. and then and there, before the

Oaths.

the said Justices at the said Sessions, did take the Oaths mentioned in a Statute made in the first Year of the Reign of the late King William and Queen Mary, entituled, An Act for abrogating the Oaths of Allegiance and Supremacy, and appointing other Oaths; and did likewise then and there make and subscribe the Declaration mentioned in a Statute made in the 25th Year of the Reign of the late King Charles the Second, entituled, An Act for preventing Dangers which may happen from Popish Recusants; and that what he did then and there concerning the Premises, is registred according to the Direction of the Act first above-mentioned. Signed, &c. Dated, &c.

Mittimus for refusing, &c. and not paying the 40s.

To the Keeper, &c.

Suffex, to **W**E H. P. and W. N. two of his Majesty's
wits, Justices of the Peace for the County afore-
said, whereof one is of the Quorum, do, by this our Warrant,
commit to your Custody the Body of J. O. of, &c. for refusing to
take the Oaths mentioned in a Statute made in the first Year of
the Reign of the late King William and Queen Mary, entituled,
An Act for abrogating, &c. which said Oaths were lawfully
tendered to the said J. O. and for that he hath refused to pay
the Sum of 40s. to the Poor of the Parish of H. where the said
J. O. did last reside, according as appointed by the said Act;
Requiring you the said Keeper to receive the said J. O. into
your Custody, and him safely to keep without Bail or Mainprize,
for the Space of three Months; and for so doing, this shall be
your Warrant. Given under our Hands and Seats, &c.

Dissenters are bound to take the Oaths above-mentioned,
and to subscribe the Declaration mentioned 30 Car. 2.

Justices in Sessions are to tender and administer the Oaths
to Persons that shall offer themselves.

Those Dissenters, who scruple taking any Oaths, must make
and subscribe a Declaration of Fidelity, and likewise a Pro-
fession of their Belief. 1 W. & M. c. 18.

The Declaration of Fidelity.

I A. B. do sincerely promise, and solemnly declare before God
and the World, That I will be true and faithful to King
George, and I do solemnly profess and declare, That I do from
my Heart abhor, detest and renounce as impious and heretical,
that

that damnable Doctrine and Position, That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever: And I do declare, That no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Power, Jurisdiction, Superiority, Pre-eminence or Authority, Ecclesiastical or Spiritual, within this Realm.

The Profession of Belief.

I A. G. profess Faith in God the Father, and in Jesus Christ the Eternal Son, the true God, and the Holy Spirit, one God blessed for evermore, and do acknowledge the Holy Scriptures of the Old and New Testament, to be given by Divine Inspiration.

They must likewise make and subscribe the Declaration mentioned in the Statute of 30 Car. 2. c. 1.

Any Justice of Peace may at any Time require a Dissenter to make and subscribe the Declarations, and to take the Oaths or Declaration of Fidelity. If he scruple the Taking of any Oath, upon Refusal, may commit him to Prison, without Bail, and certify his Name in the next Sessions, where he resides.

If the Person committed shall, upon a second Tender at the Sessions, refuse, &c. it shall be recorded, and he shall be then taken for a Popish Recusant convict.

§ & 6 W. & M.
c. 11.

Every Contributor having an Annuity for Life or Lives, &c. and his or her Executors demanding Money, must either produce a Certificate of the Life of the *Nominee*, signed by the Minister or Church-wardens of the Parish;

Or make Oath of the Life of such *Nominee* upon the Day of Payment, before one or more Justices of the County, City or Town, where such Person at the Time of the making Oath shall reside.

Forms of
Oaths.

- | | |
|--|--------------------------------|
| 1. Abjuration. | 11. Examination of Witnesses. |
| 2. Bailiff of a Liberty. | 12. Excise-man. |
| 3. Bailiff attending Jury. | 13. Information. |
| 4. Clerk of the Peace. | 14. Inquest Grand. |
| 5. Church-wardens. | 15. } Of Crown-fide. |
| 6. Constable High. | 16. } Of <i>Nisi prius</i> . |
| 7. Constable High, delivering Presentment. | 17. } Of Matrons. |
| 8. Constable Petty. | 18. } On Traverse. |
| 9. Constable of London, &c. | 19. Justice of Peace. |
| 10. Coroner. | 20. Peace, requiring Security. |
| | 21. Pri- |

- | | |
|---|------------------------------------|
| 21. Prisoner not worth 10 <i>l</i> .
&c. | 26. Of Witnesses on Nisi
prius. |
| 22. Sewers. | 27. Martial Officer. |
| 23. Under-Sheriff. | 28. Freeholder. |
| 24. Of Witnesses on In-
dictments. | 29. Candidate for a Mem-
ber. |
| 25. Of Witnesses on Crown-
side. | 30. Electors. |
| | 31. Returning Officer. |

1. Oath of Abjuration.

YOU shall swear that you will depart out of this Realm of England, and out of all other the King's Dominions, and that you shall not return hither or come again in any of his Majesty's Dominions, but by the License of his Majesty, his Heirs or Successors. *35 Eliz. c. 2.*

2. Oath of a Bailiff of a Liberty.

I T. P. do swear, That I will not use or exercise the Office of a Bailiff of the Liberty of, &c. corruptly, during the Time I shall remain therein; neither will I accept, receive, or take by any Colour, Means or Device whatsoever, or consent to the Taking any Manner of Fee or Reward of any Person for impanelling or returning any Inquest, Jury, or Tales, in any Court of Record for the King, or between Party and Party, above 2*s*. or the Value thereof, or such Fees which are allowed and appointed for the same by the Laws and Statutes of this Realm; but will, according to my Power, truly and indifferently, with convenient Speed, impanel all Jurors, and return all such Writ or Writs touching the same, as shall appertain to be done by my Duty or Office, during the Time I shall remain in the said Office. *27 Eliz. c. 11. Two Justices, Quorum unus. Oaths 1 W. c. 8. must also be taken, or he forfeits 40*l*.*

So help me God.

The Penalty is to be divided between the King and Prosecutor; and Justices in Sessions have Power to hear and determine, and to award Process.

3. Of a Bailiff who attendeth on a Jury.

YOU shall well and truly keep together every Person sworn of this Jury, in some convenient Place, without Meat, Drink, Fire, Candle or Lodging: You shall not suffer any Person to speak unto them until they are agreed in their Verdict.

So help you God.

4. Of a Clerk of the Peace in Sessions,
before he enters upon his Office.

I W. & M.
c. 24.

I W. W. do sweare, That I have not, neither will I, pay any Sum or Sums of Money, or other Reward whatsoever, or given any Bond or other Assurance to pay any Money, Fee or Profit, directly or indirectly, to any Person or Persons whatsoever, for nominating or appointing me to be Clerk of the Peace of the County of S.

So help me God.

5. The Oath of the Church-warden.

YOU shall execute the Office of a Church-warden in the Parish of H. where you are chosen for this ensuing Year, according to your Skill and Discretion in his Majesty's Laws Ecclesiastical now in Force.

So help you God.

6. Of a Constable.

YOU shall well and duly, according to your Knowledge, Power and Ability, execute the Office of a Constable, so long as you shall continue in that Office.

So help you God.

7. Of a High Constable, when he delivers
in his Presentments.

YOU shall true Presentment make to the Grand Inquest, of all Offences and Misdemeanors done or committed within your Hundred, and which are in any wise come to your Knowledge, and belonging to you to present, without any Concealment.

So help you God.

8. Of a Petty Constable or Headborough.

YOU shall sweare well and truly to execute the Office of a Constable for the Parish of H. for the next Year ensuing,

Oaths.

ing, and until another shall be sworn in your Room, or until you shall be lawfully discharged from the said Office.

So help you God.

9. Of a London Constable.

YOU shall swear to keep the Peace of the King, according to your Power; and you shall arrest all them who make any Contest, Riot or Affray, in the Breaking the said Peace, and commit them to the Compter of one of the Sheriffs; and if you are withstood by Strength of Misdoers, you shall raise on them an Out-cry, and pursue them from Street to Street, and from Ward to Ward, till they be arrested, and you shall search, when required by the Scavengers or Beadles, for common Nuisances of your Ward; and you shall help the Beadle and Raker to collect the Salary, if you be thereunto required; and if any Thing be done within your Ward against the Ordinances of this City, such Defaults as you shall find there done, you shall present to the Lord Mayor and other Magistrates thereof; and if you are hindred by any Person in the Execution of your Office, you shall certify the Name or Names of him or them so doing to the Lord Mayor of this City; you shall also, during the Time you shall be in the Office and Place of a Constable, once at least for every Month, certify and shew to one of the Clerks of the Mayor's Court, as well the Names and Surnames of all the Freemen within the Parish wherein you inhabit, as the Names and Surnames of all the Children of the said Freemen dying, being Orphans of this City.

So help you God.

10. Coroner.

YOU shall swear, That you shall truly serve the King and his People in the Office of a Coroner, and as one of his Majesty's Coroners of this County of S. and therein you shall diligently and truly do all Things appertaining to your said Office, according to the best of your Knowledge and Power, both for the King's Profit, and the Good of the Inhabitants within the said County, taking such Fees as you ought by Law.

So help you God.

11. To

11. To a Witness upon his Examination.

YOU shall true Answer make to all such Matters as shall be demanded of you, concerning, &c. You shall speak the Truth, the whole Truth, and nothing but the Truth.

So help you God.

12. Of an Exciseman and Gauger.

12 Car. 2. c. 52.
Two Justices;
they must cer-
tify the Ta-
king this Oath
next Sessions.

YOU shall swear to execute the Office of, &c. faithfully and truly, without Favour or Affection, and shall make and deliver a true Account from Time to Time, to such Person or Persons as his Majesty shall appoint to receive the same, and shall take no Reward or Fee for Execution of the said Office, from any other Person than from his Majesty, or those whom his Majesty shall appoint in that Behalf.

So help you God.

He must also at the same Time take the Oaths of Allegiance and Supremacy, per 1 Will. & Mar. c. 8.

13. An Information against a Criminal.

THE Information which you shall give on the Behalf of our Sovereign Lord the King against J. O. of, &c. shall be the Truth, the whole Truth, and nothing but the Truth.

So help you God.

14. Jury Grand.

YOU, as a Foreman of the Grand Inquest for the Body of this County of S. shall diligently inquire, and true Presentment make, of all such Matters and Things which shall be given to you in Charge. His Majesty's Counsel, your Fellows and your own you shall keep secret; you shall not present any Person for Envy, Hatred or Malice, nor conceal any Truth for Fear, Favour, Affection, Reward, Gain or Hope; but you shall in all Things, to the best of your Skill and Knowledge, present the Truth, the whole Truth, and nothing but the Truth.

So help you God.

The

The Rest of the Jury by Three.

THE same Oath which J. L. your Foreman hath taken on his Behalf, you and every of you shall well and truly observe and keep on your Parts.

So help you God.

15. Jury of the Crown-Side.

YOU shall well and truly try, and true Deliverance make between our Sovereign Lord the King and the Prisoner at the Bar, whom you have in your Charge, and a true Verdict give according to your Evidence.

So help you God.

16. Jury of Nisi prius.

YOU shall well and truly try this Issue of Nisi prius between the Parties, according to your Evidence.

So help you God.

17. Jury of Matrons.

YOU the Fore-woman of this Jury shall swear, That you shall search the Prisoner at the Bar, whether she be quick with Child of a living Child; and thereof a true Verdict give according to the best of your Judgment.

So help you God.

18. Jury on a Traverse.

YOU shall well and truly try this Issue of Traverse between our Sovereign Lord the King and J. O. for a Trespass, whereof he stands indicted, according to your Evidence.

So help you God.

19. The Oath of a Justice of Peace.

YOU shall swear, That as a Justice of the Peace for the 18 Ed. 3. c. 3. County of S. in all the Articles in the King's Commission to you directed, you shall do equal Right to the Poor and Rich, after your Cunning, Wit and Power, and after the Laws

Oaths.

Laws and Customs of this Realm, and Statutes thereof made; you shall not be of Counsel with any Person in any Quarrel depending before you; and that you hold your Sessions after the Form of the Statutes thereof made; and the Issues, Fines and Amerciaments that shall happen to be made; and all Forfeitures which shall fall before you, you shall cause to be entred without Concealment or Imbezilling, and truly send them to the King's Exchequer: You shall not let for Gift, or other Cause, but well and truly you shall do the Office of a Justice of the Peace in that Behalf, and that you take nothing for your Office of Justice of the Peace to be done, but of the King, and Fees accustomed, and Costs limited by the Statute: You shall not direct, nor cause to be directed, any Warrant (by you to be made) to the Parties, but you shall direct them to the Bailiffs of the said County, or other the King's Officers or Ministers, or other indifferent Persons to do Execution thereof.

So help you God.

20. Peace, requiring Security thereof.

YOU shall swear, That you do not crave the Surety of the Peace against J. O. for any Hatred or Malice which you bear unto him, but for Safety of your Person from Harm, and to preserve your Life, House, Goods and Chattels from Mischief, which you fear he will do, or procure to be done unto you or them.

So help you God.

21. Oath of a Prisoner not worth 10 l.

10 A. c. 10.

† This must be
to the Quarter-
Sessions.
The like Oath
by later Stat.

I R. B. do upon my Corporal Oath, in the Presence of Almighty God, solemnly swear, profess and declare, That the Schedule now delivered, and by me subscribed, doth contain, to the best of my Knowledge or Remembrance, a full, just, true and perfect Account and Discovery of all the Estate, Goods and Effects unto me any Way belonging, and such Debts as are to me owing, or to any Person in Trust for me; and of all Securities and Contracts whereby any Money will or may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Use, or to any other Person or Persons in Trust for me; and that I, or any other Person in Trust for me, have not Land, Money or Stock, or any other Estate, real or personal, in Possession, Reversion or Remainder, of the Value of 10 l. and that I have not directly or indirectly sold, lessened, or otherwise conveyed, disposed of in Trust, or concealed, all or any Part of my Lands, Money, Goods, Stock, Debts, Securities, Contracts, or Estate, whereby to secure the same; to receive or expect any Profit

Oaths.

13

Profit or Advantage thereof, or to defraud or deceive my Creditors, to whom I am indebted in any wise whatsoever.

So help me God.

22. Oath of a Commissioner of Sewers.

YOU shall swear, That you to your Cunning, Wit and Power, shall truly and indifferently execute the Authority to you given by this Commission of Sewers, without any Favour or Affection, Corruption, Dread or Malice, to be born to any Person or Persons; and, as the Case shall require, you shall consent, and endeavour your self, for your Part, to the best of your Knowledge and Power, to the Making such wholesome, just, equal and indifferent Laws and Ordinances as shall be made and advised by the most discreet and indifferent Number of your Fellows, being in Commission with you, for the due Redress, Reformation and Amendment of all and every such Things as are contained and specified in the said Commission, and the same Laws and Ordinances, to your Cunning, Wit, and Power, cause to be put in Execution, without Favour, Malice or Affection:

So help you God.

23. The Oath of an Under-Sheriff.

IR. W. do swear, That I will well and truly serve the King's Majesty in the Office of Under-Sheriff for the County of S. and promote his Majesty's Profit in all Things that belong to the said Office as far as I legally can or may: I will preserve the King's Rights, and all that belongeth to the Crown: I will not consent to lessen or decrease, or conceal the King's Rights of his Franchises; and whensoever that I shall have Knowledge that the Rights of the Crown are concealed, or withdrawn, be it in Land, Rents, Franchises, Suits or Services in any other Matter or Thing, I will do my utmost to make them restored to the Crown; and if I may not do it of my self, I will certify and inform some of his Majesty's Judges thereof; I will not respite or delay to levy the King's Debts for any Gift, Promise, Reward or Favour, when I may raise the same without great Grievance to the Debtors; I will do Right as well to Poor as to Rich, in all Things belonging to my Office; I will do no Wrong to any Man for any Gift, Reward or Promise, nor for Favour or Hatred; I will disturb no Man's Right, and will truly and faithfully acquit at the Exchequer all those of whom I shall receive any Debt or Duties, or Sums of Money belonging to the Crown; I will do nothing whereby the King may lose, or whereby his Right may be disturbed, injured or delayed; I will truly return and truly serve all the King's

3 Geo. c. 15.
The like Oath
for the High
Sheriff.
Mutatis mu-
tandis.

* These Words are in the Oath of the High Sheriff, viz. I will take no Bailiffs into my Service but such as I will answer for, and will cause each of them to take such Oaths as I do.

*King's Writs to the best of my Skill and Knowledge; * I will truly set and return reasonable and due Issues of them that be within my Bailiwick, according to their Estates and Circumstances, and make due Panels of Persons able and sufficient, and not suspected or procured, as is appointed by the Statutes of this Realm; I have not bought, purchased or taken to Farm, or contracted for; nor have I promised or given any Consideration whatsoever by my self, or any other Person for me, or for my Use, directly or indirectly, to any Person or Persons whatsoever, for the Office of Under-Sheriff of the County of S. which I am now to enter on and enjoy, nor for the Profits of the same, nor for any Bailiwick thereof, or any other Place or Office belonging thereunto: I have not sold, contracted for, or let to Farm, nor have I granted, or promised for Reward, or Benefit by my self, or any other Person for me or my Use, directly or indirectly, any Bailiwick thereof, or any other Place or Office belonging thereunto; I will truly and diligently execute the good Laws and Statutes of this Realm, and in all Things well and truly behave my self in my said Office for his Majesty's Advantage, and for the Good of his Subjects, and discharge my whole Duty, according to the best of my Skill and Power.*

So help me God.

24. Witness on an Indictment to Grand Jury.

THE Evidence which you shall give to the Grand Inquest, upon this Bill of Indictment against J. O. shall be the Truth, the whole Truth, and nothing but the Truth.

So help you God.

25. To Witnesses on Crown-Side.

THE Evidence which you shall give to this Inquest against J. O. the Prisoner at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth.

So help you God.

26. To Witnesses at *Nisi prius*.

THE Evidence which you shall give to the Jury sworn, concerning the Matter in Variance between the Parties, shall be the Truth, the whole Truth, and nothing but the Truth.

So help you God.

Oaths.

15

The next Justice of the Peace may give an Oath to every Officer present at the Trial of an Offender, by a Court Martial, before any Proceeding thereon, where the Criminal may be punished by Death.

27. To an Officer at a Court Martial.

YOU shall well and truly try and determine, according to *8 W. & M.* your Evidence, the Matter now before you, between our Sovereign Lord the King and the Prisoner to be tried.

So help you God.

28. The Freeholder's Oath at Elections.

YOU shall swear, That you are a Freeholder in the County of _____ and have Freehold Lands or Hereditaments lying or being at _____ in the County of _____ of the yearly Value of 40s. above all Charges payable out of the same; and that such Freehold Estate hath not been made or granted to you fraudulently on purpose to qualify you to give your Vote, and that the Place of your Abode is at _____ in _____ and that you have not been polled before at this Election.

29. The Candidate's Oath, if required by any Candidate or two Electors.

Suffex, to **I** A. B. do swear, That I truly and bona fide have wit, **I** such an Estate in Law or Equity, to and for my own Use and Benefit, of, and in Lands, Tenements or Hereditaments (over and above what will satisfy and clear all Incumbrances that may affect the same) of the annual Value of * 600l. * If for a Borough 300 l. above Reprises, as doth qualify me to be elected and returned to serve as a Member for the County of _____ according to the Tenor and true Meaning of the Act of Parliament in that Behalf, and that my said Lands, Tenements or Hereditaments are lying or being within the Parishes, Townships or Precincts of _____ and _____ in the said County.

And by 2 Geo. 2. c. 24. the following Oath, if demanded by two Electors or any Candidate, is to be taken by the Electors.

30. Electors.

30. Electors.

I A. B. do swear (or being a Quaker, do solemnly affirm) I have not received, or had by my self, or any Person whatsoever in Trust for me or for my Use and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place or Employment, Gift or Reward, or any Promise or Security for any Money, Office, Employment or Gift, in order to give my Vote at this Election, and that I have not been polled at this Election.

And the returning Officer, immediately after Reading the Process for the Election, is to take and subscribe the following Oath:

31. Returning Officer.

I A. B. do solemnly swear, That I have not directly nor indirectly received any Sum or Sums of Money, Office, Place or Employment, Gratuity or Reward, or any Bond, Bill or Note, or any Promise or Gratuity whatsoever, either by my self or any other Person, to my Use or Benefit or Advantage, for making any Return at the present Election of Members to serve in Parliament; and that I will return such Person or Persons, as shall to the best of my Judgment appear to me to have the Majority of legal Votes.

By 9 Geo. 2. c. 14. Persons who have omitted to take the Oaths, receive the Sacrament, &c. required by 25 Car. 2. shall, on doing the same on or before 1 Aug. 1736. be indemnified, and their Acts valid, but not to restore to any Office, &c. already vacated.

And as by the former Acts three Months only was given for Persons to qualify themselves; by this Act all Persons admitted into any Preferments or Places after the said 1 August 1736, shall have six Months after Admission to take the Oaths, &c. and if beyond Sea, six Months after their Return, but all Persons neglecting to take the Oaths, &c. within the Time here limited, are to incur the Penalties inflicted by the former Acts, and all the Power in the former Acts to continue in Force, except as to the Alteration of Time.

And in the same Session another Act passed to indemnify such who had omitted to read the Prayers and subscribe the Declaration, as required by 13, 14 Car. 2. and to give them till the 1 March 1736. so to do, &c.

See Postage of Letters.

Richards. See Hedge-breakers.

Barking Fruit-Trees, forfeits treble Damages to the Party grieved, and 10 *l.* to the King; the Damages to be recovered in an Action of Trespass. 37 H. 8. c. 6.

Orders. See Doors.

Ordinary.

Is not bound to attend the Sessions; and when he doth attend, he is not Judge *an legit ut Clericus vel non* (whether he reads as a Clerk or not); for if he say that the Person can read, when he cannot, the Court may hear him; and if he cannot read, the Offender shall be hanged, and the Ordinary fined for his Misbehaviour.

A Felon may have the Clergy allowed at the Gallows, tho' he hath failed to read, and is adjudged to be hanged; which shews that the Presence of the Ordinary is not always necessary where Clergy is allowed.

The Court may likewise, in Strictness of Law, allow Clergy, tho' the Ordinary or his Deputy do not attend.

Overseers of the Doors. See Doors.

Outlawry. See Addition.

THIS is when a Man is called into Law, and doth not appear upon three Writs issued against him, which being directed to the Sheriff, who returns a *Non est inventus* (that he is not found, &c.) then there is a Writ called the *Exigent*, directed to the Sheriff to proclaim the Man (that is, to call him) in five County-Courts, which are held once a Month in the Country; (but oftener in *London*) charging him to appear; which if he did not, then he was *Exlex*, (that is, depriv'd of the Benefit of the Law) and out of the King's Protection.

The Punishment seems to be derived from the old *British* Priests called *Druids*, who sat as Judges here; and if any Person

Person made Default in appearing before them, he was forbidden their Sacrifices, and then no Man would either speak to him, or come near him, for Fear of being infected; and besides, he was to have no Benefit of the Law.

It was so great a Punishment, that in After-Ages no Man was outlawed but for Felony; and then the old Writers tell us, That the Person had *Caput Lupinum* (a Wolf's Head), that is, he carried his own Judgment in his Face, for he might be killed as a Wolf; and this so continued till *Ed. 3.* and then it was made lawful for the Sheriff only to kill him, but not without a Warrant to do it.

But now Outlawries are become frequent in Personal Actions; the Effect of which is, *viz.* Forfeiture of Goods and Chattels to the King; and if for Felony, then 'tis Forfeiture of his Lands in Fee, or for Life, and his Goods, &c.

1 Leon. 326.

Moor 179, 753.

Owen 69.

It was a Question, whether a Man outlawed for Felony might be taken in Execution at the Suit of a Creditor, because he being attainted by the Outlawry, his Goods are forfeited to the King, and his Body at his Disposal; but it was held, That he is subject to such Execution, but the Sheriff may chuse whether he will execute it, or not; and that if the Law should be otherwise, then the Party might take Advantage of his own Fault, for he might suffer himself to be outlawed, and then get a Pardon, and deceive all his Creditors.

A Man was outlawed for Murder, who held Lands of the King, which he sold and gave to another; the Outlawry was reversed; and the Question was, Whether the Person might re-enter, or first petition to the King? And it was held, that he might re-enter upon his Grantee, because there was no Record of Attainder to put him on his Petition.

1 And. 188.

1 Cro. 464.

Error to reverse an Outlawry for Murder, the Error assigned was, That *Tempore promulgationis Utlagariae, & diu antea & post* (at the Time of pronouncing the Outlawry, and long before and afterwards) he was beyond Sea; it should be *tempore* of the Exigent awarded; for if he depart after that Time, and is then outlawed, he shall never reverse that Outlawry, because he fled from Justice, *destinatus consilio* (with a fixed Resolution); but the Attorney General confessing the Error, it was reversed.

So in Error to reverse an Outlawry for Felony, if there be Lands a *Scire facias* should issue; but if the Attorney General confesses on Record there is no Land, a *Scire facias* is not necessary. 2 Salk. 495.

The Defendant need not appear in Person to reverse an Outlawry; except in Treason or Felony. *Idem* 496.

Paper and Parchment.
Papists. See Recusants.

Paper

Paper and Pamphlets.

ALL Papers called *Pamphlets* shall for every *Half-Sheet* 10 A. c. 19. pay a *Half-Penny*, if larger than Half a Sheet, a Penny; and larger than a whole Sheet, and not six Sheets in *Octavo*, or in a lesser Page, or not exceeding twelve Sheets in *Quarto*, or twenty Sheets in *Folio*, 2 s. Sterling for every Sheet of Paper in one printed Copy, and for every Advertisement in the *London Gazette*, or other printed Paper made weekly publick, 1 s. Sterling.

Two or more Justices, &c. may hear and determine any Offence against this Act in printing, selling, or exposing to Sale, any Pamphlet or News-Paper within their Jurisdiction not stamped; they may summon the Offender and Witness upon Complaint made within three Months after the Offence, and may examine them on Oath, or upon Proof of Notice given, may proceed, tho' the Offender doth not appear, and give Judgment; and if convicted, either upon View of the Justices, or upon such Information, may issue Warrants to levy the Penalty of 10 l. on the Goods of the Offender by Distress and Sale, if not redeemed within six Days; and if such Distress cannot be had, may commit him till the Penalty is paid.

The Party grieved may appeal to the next Quarter-Sessions, who may examine Witnesses upon Oath, and finally determine, and may then issue Warrants to levy the Penalty.

The Justices may mitigate any Penalty, the reasonable Costs and Charges of the Officers and Informers being allowed over and above the said Mitigation; and so it doth not reduce it to less than a fourth Part over and above the Costs and Charges.

Any Person sued for putting the Act in Execution may plead the General Issue, and give the Act and any special Matter in Evidence; and if he recover shall have treble Costs.

Printing a Pamphlet above one Sheet, published within the weekly Bills of Mortality, and not carrying it within six Days to the Head Office for Stamping; and if printed elsewhere, and not brought to the head Collector of the Stamp-Duties within fourteen Days, the Printer and Publisher shall lose the Profit of the Copy of such Pamphlet, of which the Duty is not paid, and shall forfeit 20 l. with full Costs; the like Penalty if the Printer's or Publisher's Name is not printed thereon:

Paper and Pamphlets.

One Moiety of these Penalties is to the Crown, the other to the Informer.

By 11 Geo. 1. c. 7. s. 4. the 10 and 12 A. so far as they relate to the new Duties of 20 and 10 l. per Cent. are repealed, and such Paper is to pay according to the Value in the Book of Rates, and new Sorts of Paper imported are to pay according to the Values of those nearest above in Size and Goodness, and Goods not rated are to be ascertained by the Oath of the Merchant; the proper Officer may examine Goods paying *ad valorem*, and if not valued to the true Price, may Ware-house the Goods to the Use of the Crown, and pay to the Importer the Value sworn to, with the Customs paid, and 10 l. per Cent. over.

By 11 Geo. 1. c. 8. s. 13. All Journals, &c. printed on a Sheet and Half shall be deemed Pamphlets, and pay 3 s. for the Impression, and every Sheet of Paper, on which any Journal, &c. is printed, shall pay 1 d. and every Half-Sheet one Half-penny. These Duties to be levied as in the above Act of 10 A.

A Warrant to levy the Penalty of 10 l.

To the Constable, &c.

10 Ann. c. 19.

Two Justices.

* It must be within three Months after the Offence.

† Not less than a 4th Part.

Surrey, to **W** Hereas * Complaint hath been made unto us, *avii,* whose Names are subscribed, two of his Majesty's Justices of the Peace for the said County, that R. B. of, &c. did on the 27th of July last past at L. in the said County, expose to Sale one Sheet of Paper, commonly called a Pamphlet, not being stamped, as it ought to be by Law, and the Duty not being paid for the same; We thereupon did summon the said R. B. to appear before us at, &c. on Monday the 28th Day of July aforesaid, where he did appear accordingly, and was then and there convicted upon the Oath of W. R. of, &c. of and in the Penalties, by Reason whereof he hath forfeited 10 l. according to the Statute in that Case made and provided; which said Sum we did † mitigate to 5 l. These are therefore to require you forthwith to levy the said Sum of 5 l. by Distress of the Goods of the said R. B. and if the same are not redeemed within six Days after the said Distress taken, that then you sell the same, rendering the Overplus to the said R. B. if any such shall be, after reasonable Costs and Charges first deducted; and that you pay one Moiety of the said 5 l. to the King, and the other Moiety thereof to the said W. R. who first informed us of the said Offence, &c.

Papists, See Recusants.

Pardon,

Pardon.

Pardon is either, { (1.) Of Course,
or
(2.) Of Grace.

Pardon of Course is, where a Man is convicted of Man-slaughter, or *Se defendendo*; which see in *Chance-Medley* in *Homicide*.

Pardon of Grace is either { (1.) General,
or
(2.) Particular.

General Pardons have now so many Qualifications and Exceptions, both as to Offences and Persons, that the Court cannot take Notice of them without being pleaded; and in the Plea the Defendant must aver, That he is none of the Persons excepted: A Form of which Plea you may see, 3 *Inst.* 234.

By the Statute of 13 R. 2. c. 1. 'tis enacted, That the Offence shall be specified in the Pardon, otherwise it shall not be allowed. Before the making that Statute, a Pardon of all Felonies was good for Murders; but since it hath been held, That a General Pardon for Murders or Robberies is not good, without reciting the Indictment and Verdict in the Pardon it, self. *Sid.* 366, 430. Moor 752.

Mr. Howard, Brother to the *Earl of Carlisle*, and his two Raym. 13. Servants were convicted for the Murder of one *Proby*, and being brought to the Bar they pleaded the King's Pardon, in which all the Proceedings on the Indictment were recited, and that the King pardoned the Killing and Felony, but the Word *Murdrum* was not in the Pardon, and there was no Writ of Allowance; whereupon Mr. Howard was advised to get a better Pardon, otherwise this might be repealed by *Scire facias* seven Years hence, and he might be executed; afterwards he had a better Pardon and a Writ of Allowance.

Anno 31 H. 8. It was made Treason for a Wife to poison Dyer 50. her Husband. The very next Year this Fact was committed by a Woman, and she was pardoned; her Son brought an Appeal of Murder, and it was adjudged that it did not lie; because the Offence being made *Treason*, could not be punished as *Murder*, for the greater Crime drowns the less; but this seems to be a very odd Reason, that the Alteration of the Punishment should change the Nature of the Offence; for tho' it was newly made Treason, yet it was *Murder* still.

Cro. Eliz. 314.

In Cases of *Treason*, the Court may allow a Pardon without a Writ of Allowance, but not so in Felony; and therefore where a particular Pardon is pleaded, it must be *sub Sigilla* (under Seal), and it ought to have a Writ of Allowance; but a Clause of *Non obstante* (notwithstanding) dispenses with that Writ.

One *Cole* was convicted of Burglary and pardoned, *Ita quod bene se gesserit* (so that he behaved himself well) towards all People: Afterwards he broke the Peace by beating another Man, and this being suggested to the Court, Execution was prayed against him; and the Clerk of the Crown informed the Court, That one *Whiddon* was hanged in the Queen's Reign for the same Cause after a Pardon; but I do not find any Rule made in the principal Case.

2 Cro.

I shall mention the Case of Sir *Walter Raleigh*, because it was an extraordinary one. He was attainted of *Treason*, *Anno 1 Jac.* and was kept Prisoner in the *Tower* twelve Years; then the King gave him a Commission to go into *Guinea*, and Authority to execute Martial Law and Power over the Lives of other Men; he went thither, and upon his Return was committed again to the *Tower*, and brought to the Bar, and had Sentence and Execution upon the Attainder, though he insisted that his Commission giving him Power over the Lives of other Men, was a *Pardon by Implication*; but the Court answered, That no Man must be pardoned but by express Words, and not by Implication.

Witness.

A Pardon doth not only take away *penam* (the Punishment), but *reatum* (the Guilt); so that a Man is restored to his Credit, and enabled to be a Witness, though he hath been convicted of Felony; but it seems otherwise if the Conviction had been for Perjury, because it would be an Injury to the People in general to make them subject to the Testimony of such a Person. 1 *Vent.* 349.

A Conviction of Felony, and burnt in the Hand, this is in Nature of a Pardon; for by this Punishment he is cleared of the Offence, and is become a lawful Witness. *Raym.* 370.

On the twelfth of *February* a mortal Stroke was given, the Person died the eighteenth of *June* following; in the same Year there was a General Pardon, by which all Offences, Misdemeanors and Felonies, before and until the fourteenth of *February*, were pardoned: It was adjudged, That the Stroke being before the Pardon, though the Death ensued afterwards, the Offender should be discharged, because the Stroke was the Offence, and that was pardoned; so that all the Consequences of that Offence were likewise discharged. *Plowd. Com.* 401. 4 *Rep.* 42.

Till an Inquisition is found, nothing vests in the King, and therefore a Pardon before an Inquisition found discharges all Forfeitures. 2 *Mod.* 53.

But

But where once an Interest is vested, a Pardon will not operate upon the Goods forfeited, without some Words of Restitution. *Sid. 168.*

Pardon is no Bar to an Appeal, nor to an Execution, if the Offender be attainted and pardoned of Felony only.

Some Persons convicted of Capital Offences have been thought fit to be reprieved from Execution, in order to obtain a Pardon, as fit to serve the King either in the Army or Navy, but have been continued in Prison a long Time, in Expectation of passing such Pardon under the Great Seal, and some Time is taken up in the Pleading and allowing it in the usual Form of Law: Therefore by a late Act, as soon as the Judge receives a Warrant under the Sign Manual of the King for a Pardon, he may direct his Warrant to the Sheriff or Gaoler, directing the immediate Delivery of such Prisoner out of Custody, to such Officer under whom he shall be listed; and the Pardon, when passed, shall be entered and enrolled. 2 & 3 Ann.

About the later End of the Reign of *Car. 2.* it was argued by Counsel in *B. R.* in the Case of one *Parsons*, who was pardoned for the Murder of *Mr. Wade of Essex*, That the King could not pardon one who was convicted of that Offence; and because it could not be proved that there was any human Law prohibiting such Pardon, therefore Recourse was had to the Scripture, where we find a positive Law given by God to *Noah*, about 1658 Years after the Creation of the World, and about 796 Years before the *Mosaical Law*, (*viz. He who sheddeth Man's Blood, by Man shall his Blood be shed*, Gen. 9. 6.

But this Text was never taken to be universally obligatory; for we find, that if a Master had killed his Servant, and he died immediately under his Hand, then the Master was to die; but if the Servant had survived 24 Hours, though he died afterwards, in such Case the Master was not to die. *Exod. 21. 13. Numb. 35. 30.*

So if there were not two Witnesses to prove the Murder, the Offender was not to die. *Deut. 19. 15.*

We likewise find that *Simeon and Levi*, the Sons of *Jacob*, were guilty of Murder, but not punished.

Then as to the *Mosaical Law*, 'tis true, the Text is, (*viz.*) *Thou shalt take no Satisfaction for the Life of a Murderer, who is guilty of Death, he shall surely be put to Death.*

This was only obligatory to the *Jews*, and not to the *Gentiles* before the Time of our Saviour, nor to *Christians* since; and if it only obliged the *Jews*, then the ceremonial and judicial Laws being abrogated ever since the Death of *Christ*, or at farthest at the Destruction of *Jerusalem*, when the *Jewish* Commonwealth and Government was destroyed, the Obligation of that Law has ceased ever since.

Pardon. Parliament.

Besides, the *Mosaical Laws de peenis* (of Punishments) were not natural, but positive and judicial, and admitted of Dispensations even amongst the *Jews* to whom they were only binding; for the Christians never punished Offenders in several Cases with those Penalties which were prescribed by *Moses* to the *Jews*, (*viz.*) The Stealer of an Ox was to restore five Oxen, and so in many other Cases.

'Tis true, he saith, That a *Murderer shall surely be put to Death*, and 'tis as true, that in another Place he saith, *That whosoever doth any Work on the Sabbath, he shall surely be put to Death*; and yet no Man will affirm, that the supreme Magistrate cannot pardon those who work on the Sabbath.

David, who was the best of Kings, and who understood the *Jewish Laws* as well as any Man, pardoned *Abalom*, who had killed his Brother *Amnon*, and 'tis no where imputed to him as a Fault pardoning so unnatural a Murder.

'Tis therefore plain, that there is neither any divine or human Law to prohibit Kings from pardoning Murder; and it may often happen, that (upon due Consideration of the Person, Times and other Circumstances,) a Pardon may be as effectual to attain the good Ends intended by a Punishment, as any rigorous Execution of it might have been, and in such Cases the King is the supreme Judge.

Parliament.

IT appears by those Lights which we have still remaining, and from the Inquiries and Reasonings of our best Antiquaries, that there hath always been something of the Nature of a Parliamentary Assembly, as antient as any Thing we know of our Constitution, in which the People shared with the Prince in the legislative Power. *Bacon's New Abridgment of the Law*, Vol. 1. 566.

This august Assembly consists of the King sitting there in his Royal Political Capacity, of the Lords Spiritual, as Archbishops and Bishops, and of the Lords Temporal, as Dukes, Marquisses, Earls, Viscounts, and Barons, which compose the House of Lords; and of the Knights, Citizens and Burgesses, which compose the House of Commons, and represent all the Commons of the Kingdom. *Bacon's Abridg.* Vol. 1. 569.

Formerly the Members of the House of Commons used to receive Wages from the Places they represented, and two Justices in *Wales* might tax every City and Borough in the
twelve

Parliament.

25

twelve Counties, and in *Monmouthshire*, towards Wages of Burgesses, &c. 35 H. 8. c. 11.

By 4 E. 3. c. 14. Parliaments ought to be holden once a Year, and oftener if need be.

By 16 Car. 2. c. 1. Parliaments shall not be discontinued above three Years.

By 6 W. & M. c. 2. No Parliament shall have Continuance for longer than three Years.

By the Act 9 Annæ, c. 5. the Oath appointed to be taken by Candidates, may be administered by the Sheriff, or Under-Sheriff, or other Officer, to whom it belongs to take the Poll, or make the Return, or by any two Justices of the Peace, who are to certify the same into the *Chancery* of B. R. within three Months afterwards, under the Penalty of 300 l. one Moiety to the King, and the other to the Informer, and no Fee shall be taken, but 1 s. for the Oath, 2 s. for the Certificate, and 2 s. for the Filing, on the Penalty of 20 l.

Any Candidate, or any two Persons who have a Right to vote, may require another Candidate at the Time of Election, or before the Meeting of the Parliament, to take his Oath of his Qualification, which see Title *Oaths*.

The Qualification for a County is 600 l. a Year, and must be either Copyhold or Freehold Lands, and the Person must be entitled to them for Life, or a greater Estate, and every Citizen and Burgess is to have 300 l. *per Annum*, or his Election shall be void.

The Act doth not extend to the eldest Son of a Peer, or of a Person qualified to serve as a Knight of a Shire, to make him incapable, &c. nor to the Universities.

A Mortgagee shall not be capable unless he hath been in Possession seven Years before the Election.

No Person having a Pension from the Crown shall be capable of being elected a Member of Parliament. 25 H. 8. c. 56.

See Act 10 Annæ, c. 23. The Freeholder's Oath at Elections, and see N^o 28 and 30, Title *Oaths*.

By 1 Geo. 1. c. 38. That Parliament, and all Parliaments that should thereafter be called, shall have Continuance for seven Years, and no longer; yet may be sooner dissolved by his Majesty, &c. And by c. 56. no Person having a Pension shall be capable of being elected a Member of, or for sitting or voting as a Member of the House of Commons, on the Forfeiture of 20 l. a Day.

By 2 Geo. 2. c. 24. Every Elector, before he is admitted to Poll (if demanded by any Candidate, or two of the Electors,) is to take the Oath N^o 30, in Title *Oaths*, which the presiding Officer is to administer *gratis*, on Forfeiture of 50 l. and the returning Officer, admitting such Person to be polled before taking the Oath, forfeits 100 l. with full Cost, as does likewise the Person voting.

Every

Parliament.

Every returning Officer, immediately after reading the Writ or Process for the Election is to take and subscribe the Oath, N^o 31, in Title Oaths, which any Justice of the Peace present may administer, and in his Absence any three Electors.

Such Votes shall be deemed legal, which have been so declared by the last Determination in the House of Commons; Persons convicted of wilful Perjury, or of false affirming, shall incur and suffer the Pains and Penalties which by Law are to be inflicted on such Crimes, and such Persons so convicted, or of Subornation of Perjury, shall not be capable of voting afterwards in any Election of a Member to serve in Parliament.

Any Person asking, receiving, or taking any Money or other Reward, &c. to give his Vote, or if any Person by himself, or any one employed by him, shall by any Gift or Reward, &c. corrupt or procure any Person to vote, or to forbear to give his Vote, forfeits 500 *l.* with full Cost; and if any Person after Conviction again offend, he shall be for ever disabled to vote in any Election of Members, and for ever disabled to hold any Office, to which he shall then or thereafter be intitled as a Member of any City, &c. as if naturally dead.

Any Person offending against this Act, who within twelve Months shall discover any other Person offending, so that he be convicted, and not having before been convicted, shall be discharged from all Penalties.

The Act is to be read immediately after the Process, and the Sheriff, &c. for every wilful Offence contrary to the Act, forfeits 50 *l.*

Prosecutions for the Forfeitures to be within two Years.

By 6 Geo. 2. c. 23. No County-Court shall be adjourned to a Monday, Friday or Saturday, and all such Adjournments and every Act done at such adjourned Court shall be void.

But any County-Court begun on or adjourned to a Day not prohibited by the said Act, or the Act of 7 & 8 W. 3. for further regulating Elections for electing a Knight or Knights of the Shire for any County, or for hearing and determining Causes, or other Business usually transacted at County-Courts, may be adjourned from Day to Day, though the same may happen on (a Monday) Friday or Saturday, until such Election or other Matter be fully determined.

By 8 Geo. 2. c. 30. at least one Day before any Election for Members comes on, the Secretary at War shall send Orders for the Removal of all Soldiers at least two Miles from the Town or Place where such Election shall be appointed, and they are not to approach any nearer till at least one Day after the Poll is ended; not to extend to the City of Westminster, nor other Place where any of the Royal Family reside.

By 9 G. 2. intituled, an Act to explain and amend so much of an Act made in the 2d Year of his present Majesty's Reign, intituled,

Parliament. Partridge.

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intituled, an Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament, as relates to the commencing and carrying on of Prosecutions grounded upon the said Act, 'tis enacted, That no Person shall be liable to any Penalty by the said Act, unless personally served with the Process within two Years after the Offence committed, unless the same be prevented by such Person's Absconding or Withdrawing out of this Kingdom.

Partridge. Vide Fowl in Bail.

THE first Statute made to prevent Killing of Partridges, was Anno 11 Hen. 7. c. 17. by which it is enacted, That no Person of what Condition soever shall take or cause to be taken any Partridges or Pheasants upon the Freehold of another without his Assent, or without the Leave of the Possessor thereof, upon Pain of forfeiting ten Pounds, one Moiety to the Prosecutor, the other to the Owner or Possessor of the Ground.

The Recovery is to be by Action of Debt, Bill or otherwise; and likewise the Justices of Peace have Power to hear and determine as well by Inquisition, as Information and Proofs.

I find a Precedent of an Action of Debt brought upon this Statute, which I think is not improper to transcribe, though it doth not relate to a Justice of Peace.

Suffex, to **J.** O. late of H. in the County aforesaid, Baker, Rast. Eqr. 599.
wit, *was summoned to answer R. B. Gent. of a Plea, that he render to him ten Pounds, which he owes to him, and unjustly detains from him; and whereupon the said R. B. by J. E. his Attorney declares, That whereas in a Statute in the Parliament of the Lord Henry the Seventh, after the Conquest, late King of England, held at Westminster in the eleventh Year of his Reign, among other Things it is contained, That it should not be lawful to any Person, of what Condition he be, to take or cause to be taken, any Pheasants or Partridges, by Nets, Snares, or other Engines, out of his own Warren, upon the Freehold of any other Person, without the Assent, Agreement and special Licence of the Owner or Possessor of the same, upon Pain of Forfeiture of ten Pounds; the one Half thereof to the Party that will sue for the same, by Action of Debt, or by Bill, or otherwise; and the other Half thereof to the Owner or Possessor of the said Ground, upon the which the said Pheasants and Partridges should be so taken, as in the said Statute is more fully contained; notwithstanding the said J. O. in no wise regarding the Statute aforesaid, on the fourteenth Day of August in the ninth Year of the Reign of our Sovereign Lord*

Lord George the Second, now King of Great Britain, &c. at H. aforesaid in the said County, did take and carry away five Pheasants by Nets, being upon the Freehold of him the said R. B. without the Assent, Agreement and special Licence of him the said R. B. whereby an Action hath accrewed to him the said R. B. to demand and have of the said J. O. the said ten Pounds; yet the said J. O. although often required to pay the said ten Pounds, hath not yet paid the same to the said R. B. but hath refused so to do, and yet refuses; to the Damage of him the said R. B. of ten Pounds; and therefore he brings this Suit.

23 Eliz. c. 10.

The next Statute was *Anno 23 Eliz.* by which Killing or Taking of Partridges or Pheasants in the Night-time with Nets, &c. forfeits for every Partridge 10 s. and for every Pheasant 20 s. which if not paid in ten Days after Conviction, the Offender must be committed one Month without Bail; and, besides such Forfeiture and Imprisonment, must enter into Recognizance before one Justice, &c. with two Sureties, to appear at the next Sessions, &c. and being there convicted, must give Bond with two Sureties to be taken by one Justice, not to offend in the like Nature for two Years.

Forfeiture to be divided between the Lord of the Manor and Prosecutor; but if the Lord will not take it, then between the Prosecutor and the Poor; one Moiety to be recovered by the Church-wardens, &c.

3 Bulst. 71.

A Man was indicted on this Statute for taking Partridges *cum Retis*, it was quashed; for it should be *cum Retibus* (with Nets).

The next Statute was *Anno 1 Jac.* by which Shooting at Partridges or Pheasants, or taking, killing or destroying them with Setting-Dogs or Nets, or other Instruments, or taking or breaking the Eggs in the Nests, shall be committed for three Months without Bail for every Offence, unless he pay immediately upon his Conviction to the Church-wardens of the Parish where the Offence was committed, or where the Offender was apprehended, for every Pheasant 20 s. to the Use of the

Poor, &c. for every * Partridge 10 s. &c. but after he hath been committed one Month, he may be discharged, if he will enter into a Recognizance with two Sureties in 20 l. each, That he shall not at any Time afterwards offend in the like Nature.

* But per 7 Jac. c. 11. 'tis 20 s. for every Partridge, being convicted by one Witness upon Oath before two Justices, if taken between the first of July and last of August. The Prosecution must be within six Weeks after the Offence done.

Selling, or buying to sell, Partridges or Pheasants, forfeits for every Partridge 10 s. Pheasant 20 s. one Moiety to the Prosecutor, the other to the Poor.

Justices

Justices in Sessions, or two Justices out of Sessions have Power to hear and determine these Offences, and to administer an Oath, &c.

By this Statute, the Conviction was to be by Confession of the Party, or Oath of *two Witnesses* before two Justices; and the Recognizance was also to be taken by two Justices.

But by a subsequent Statute, the Conviction may be by *one Witness* before two Justices, for taking, killing or destroying them with *Setting-Dogs or Nets*, or with any Manner of Engine, and the Recognizance may be taken by one or more Justices, &c. where the Offence was committed.

By this Statute, the Qualifications of Persons to take Partridges, &c. were altered.

A Lord of a Manor, a Freeholder of 40 *l. per Annum*, either in his own, or in his Wife's Right, a Leaseholder of 80 *l. per Annum* for Term of Life or Lives, or worth 400 *l.* in Goods, may kill Partridges in *Day-time* in their own Grounds.

Constable by Warrant from two Justices may enter Houses of suspicious Persons, and take or kill their *Dogs*, and cut or carry away their *Nets*, as forfeited to the Constable.

And by another Statute, if a Constable find any Partridge in such a House, he shall bring the Offender before a Justice; and if he cannot produce the Person of whom he bought it, or some credible Witness to make Oath of the Sale thereof, he shall be committed by the Justice for killing it, &c. and forfeits for every Partridge, &c. 5 *s.* and not exceeding 20 *s.* one Moiety to the Informer, the other to the Poor, &c. to be levied by Distress, &c. and if that cannot be taken, then he must be committed to the House of Correction for any Time not exceeding one Month, and not less than ten Days.

Keeping Setting-Dogs, Nets or Tunnels, not [†] qualified; and being convicted before one Justice upon Oath of one Witness, is subject to the like Penalties. [†] Not having Inheritance of 100 *l. per Ann.* or for Life, nor Lease for ninety-nine Years of 150 *l. per Annum*, other than the Son and Heir of an Esq; 22 & 23 Car. 2. 25.

No *Certiorari* to be allowed, unless the Offender before Allowance become bound to the Prosecutor in 30 *l.* with Sureties, to be approved by one or more Justices, before whom the Offender is convicted, to pay the Prosecutor full Costs upon Oath within one Month after Conviction is confirmed, or *Procedendo* granted.

Partridge. Pasture.

An Indictment for taking of Partridges, &c. without License.

Suffex, to **T**HE Jurors, &c. That J. O. of H. in the
 wit, said County, Yeoman, on the fourteenth Day
 of August in the ninth Year of the Reign of our Sovereign Lord
 George the Second, now King of Great Britain, &c. at H.
 aforesaid in the said County, did take, kill, and carry away
 six Pheasants and twenty Partridges of the Value of five Shil-
 lings, by certain Nets and other Engines, in a certain Place
 there called W. which said Place then was, and yet is the
 Freehold of R. B. of H. aforesaid Esquire, and never was the
 proper Warren of him the said J. O. without the Assent, A-
 greement and special License of the said R. B. in that Behalf
 first had and obtained in Contempt of our said Sovereign Lord
 the now King, and contrary to the Form of the Statute in such
 Case made and provided, and against the Pence of our said
 Lord the King, his Crown and Dignity. 3 Bull. 178.

Pasture.

HE who keepeth 120 Sheep on his several Pastures which
 are fit to depasture Milch-Cows, and which are not
 Common, shall, for every sixty Sheep, keep one Milch-Cow;
 and for every 160 Sheep, shall rear one Calf: Penalty is 20s.
 per Month for not keeping a Cow, and 20s. for not rearing
 a Calf; one Half to the King, the other to the Party who
 prosecutes within a Year after the Offence.

Justices in Sessions have Power to hear and determine the
 said Offences. 1 & 2 Ph. & Mar. c. 3.

Made perpetual per 13 Eliz. c. 25. 7 Jac. c. 8.

There was a Complaint made to the Parliament Anno
 25 H. 8. That the rich Men in those Days hired many Farms,
 and converted them from Tillage to Pasture, which impove-
 rished the ordinary People; and this was occasioned by the
 great Profit arising by Sheep, insomuch that some Men had
 24000 Sheep of their own fed upon those Farms, and increa-
 sed the Price of a fat Sheep from 2 s. 4 d. to 6 s.

15 H. 8. c. 13. This was the Reason of making a Law, that no Man should
 keep in his Possession, at one Time, above 2000 Sheep, to be
 accounted after the Rate of six Score to the Hundred; the Pe-
 nalty is 3 s. 4 d. for every Sheep above that Number.

The Prosecution must be within a Year after the Offence, and it may be before Justices in Sessions, and the Penalty is to be divided between the King and Prosecutor.

But a Person might keep as many Sheep as he could upon Lands of his own Inheritance, or as Tenant in Dower, or by the Curtesy.

And because Questions might be made what should be accounted Sheep; therefore it was provided, That Lambs should not be so accounted till *Midsummer* Twelve-month after their Fall.

Likewise, if any Person had more than 2000 Sheep, either as Executor, or by express Devise, or by Marriage, they should not incur this Penalty, so as within one Year afterwards they put off as many as would reduce the Number to 2000 at the End of the Year.

Also an Infant who had above that Number devised to him, could not be punished during his Nonage, or any Person for him.

In that Act there is likewise a Clause, that no Man shall take above two Farms, except he dwell in the same Parish where his Farms are, under the Penalty of 3 s. 4 d. per Week between the King and Prosecutor; but this must be at the Assizes, and not at the Sessions.

Any Person may seize great Cattle and Sheep brought from 3 & 4 Annz. Scotland into England, Ireland or Wales, until such Time as the Succession to the Crown of Scotland shall be declared and settled by Act of Parliament there, in the same Manner as it is settled in England; for till that Time, all such Cattle, or Sheep brought from thence are forfeited to him who seizes, or will sue for the same, and likewise the Value of such Cattle; one third Part of which Value is for the King, and the other two Thirds to him who will sue for it.

The Cattle thus seized, may be detained four Days; and if the Owner doth within that Time make it appear upon Oath of two credible Witnesses before one Justice, that they were not brought from Scotland after December 25, 1705, then the Justice by his Warrant may cause them to be delivered.

And if any English Cattle or Sheep shall with the Privy of the Owner, or any other Person employed by him, be mixed with such Scotch Sheep or Cattle, and seized with them, in such Case they shall be taken to be Scotch Cattle, and disposed as aforesaid; and if any Persons wilfully agree and conspire to evade the Seizures, then upon an Indictment within a Year after the Offence and Conviction, the Forfeiture is 100 l. to be recovered, and distributed as above-mentioned.

An

An Indictment for pulling Wool from live Sheep.

Sussex; to **T**HE Jurors for our Sovereign Lord the King wit, upon their Oath present, That J. O. late of H. in the County of Sussex aforesaid, Baker, on the eighteenth Day of May in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain; &c. did break and enter the Close of R. B. situate at H. aforesaid in the said County, and did pull Wool to the Value of twenty Shillings from twenty Sheep; being the Goods and Chattels of the said R. B. at H. aforesaid in the said County, from the Bodies of the said Sheep then and there being, and did feloniously take and carry away the said Wool so pulled from the said Sheep, against the Peace of our said Sovereign Lord the King, his Crown and Dignity, &c.

Peers.

WHAT I shall mention under this Title doth not concern the Office of a Justice of Peace, yet I think it is not improper to give a short Account of the Trial of a Peer by Peers.

It must be upon an Indictment at the Suit of the King; and though a *Præmunire* is tried at his Suit; yet in such Case, and in Appeals, the Trial shall be by Freeholders.

He must be a Peer *Ratione Nobilitatis* (by Reason of Nobility), and not *Baroniæ, quæ tenet jure Ecclesiæ* (a Baron who holdeth in Right of the Church), for Bishops have not this Privilege, nor the Sons of Noblemen, if such Sons are not Lords of Parliament.

The Indictment may be either before the Commissioners of Oyer and Terminer, in the County where the Offence was committed, or in B. R. if done in *Middlesex*.

After 'tis found, the King appoints a Lord High Steward of England by a Commission under the Great Seal, *pro hac vice* (for this Purpose); but yet such Commission may be adjourned.

In this Indictment is recited, and Power given to the Lord High Steward to proceed thereon, *secundum Legem & Consuetudinem Angliæ* (according to the Laws and Customs of England), and the Peers are commanded to attend him, and

the Lieutenant of the *Tower* to bring up the Prisoner; this is the Substance of the Commission.

Then two Writs are issued out of Chancery, *viz.* a *Certiorari* to remove the Indictment, returnable *indilate* (without Delay), and a Writ directed to the Lieutenant of the *Tower* to bring up the Prisoner.

The Lord High Steward likewise makes two Precepts under his Seal, the one directed to the Commissioners to certify the Indictment, the other to the Lieutenant of the *Tower*, setting forth the Time and Place when he shall bring up the Prisoner.

He also directs another Precept to the Serjeant at Arms to summon the Peers to appear.

The Court being sate, the Clerk of the Crown and the Usher deliver the Commission and the White Rod to the Lord High Steward, and both are by him delivered to them respectively; and the Usher holds the Rod all the Time of the Trial.

Then the Serjeant at Arms makes three Proclamations:

- (1.) To all Justices and Commissioners to certify Indictments and Records.
- (2.) That the Lieutenant of the *Tower* return his Writ and Precept, and that he bring the Prisoner to the Bar.
- (3.) That the Serjeant at Arms return his Precept, with the Names of the Peers by him summoned.

The Return of these Writs and Precepts are read by the Clerk of the Crown; and another Proclamation is made, That the Peers answer to their Names; but they are not to be sworn.

If the Prisoner plead Not guilty, he cannot have Counsel, because the Issue being joined upon a Matter of Fact, the Proof ought to be so plain, that no Defence can be made against it; but he may have Counsel upon Matter of Law, as where a Pardon is pleaded, &c.

If the Peers, when withdrawn, doubt upon any Thing, it must be resolved in Court, in the Presence and Hearing of the Prisoner; and for that Purpose the Judges attend the Trial. Now the Reason why the Prisoner must be present, is because he ought to be satisfied that the Case is put right.

They ought to continue together till they are agreed of their Verdict, which is given in the Absence of the Prisoner.

This was an Opinion formerly; but since it was resolved in my Lord *Morley's* Case, that because they were not sworn, and by Reason of the great Trust reposed in them, they might go to their own Houses.

None are Noble under the Degree of a Baron; and where he or a Bishop is a Party to the Suit, a Knight must be returned of the Jury.

If a Woman, who is Noble by *Birth*, marieth a Gentleman, she doth not lose her Name of Dignity; but if she acquire her Nobility by *Marriage*, and being a Widow marieth a Gentleman; in such Case she retains her Dignity only by *Curtesy*.

Perjury.

IS an Offence, where a *lawful Oath* is administered to a Witness by any one who hath *Authority* so to do in any *judicial Proceeding*, and the Person sweareth falsely, either himself, or by the Subornation of another, in a *Matter material* to the Issue or Cause.

By Fine and
Imprisonment.
2 Cro. 8.
* 5 El. c. 9.
Sid. 454.
Raym. 34.

'Tis punishable either at *Common Law*, or by the * Statute. A false Oath in any *Court of Record*, or in any *judicial Proceeding*, though not in a *Court of Record*, is Perjury at *Common Law*, tho' tis not in any *Thing material* to the Issue. *Style* 374. *Roll. Abr.* 2 Part. 257, 258. *Sid.* 274.

There was a Verdict for the King on an Information of Perjury; the Information was, *Memorandum* (Be it remembered), That Sir *Theo. Fanshawe*, Knight, giveth to the Court to understand and be informed, that in *Hillary Term* 1659, in *Rotulis continetur sic* (it is so contained in the Rolls), that *Dun* brought an Action, and so recites the whole Record and Trial, and that the Defendant *salvum præstitit Sacramentum* (made a false Oath) at the said Trial, &c. It was objected in Arrest of Judgment, that to say in *Rotulis continetur* (it is contained in the Rolls), that the Defendant took a false Oath, is not a positive Charge; so it ought to be thus (*viz.*) After the Recital of the Proceedings, &c. *Et ulterius dat Curiae hic intelligi* (and further gives the Court here to understand), that the Defendant took a false Oath; but adjudged that the Record it self being a Record of the Court, the Judges will consider what is positive in it.

Information for *Perjury* setting forth, That upon giving a Lease and Release in Evidence, bearing Date 15 and 16 Days of *July* 1681. executed at *Albemarle House*, to which Mr. *Stroud* was a Witness: The Defendant swore, That Mr. *Stroud* about the *Middle of July* 1681. was at *Newnham* † *Innuendo Newnham in Devonshire*, when in Truth he was not; there was a Verdict for the King, but the Judgment was set aside, because the Word *Newnham* is an *indiv-*

† There must be an Averment that what he swore was not true, otherwise the Word tallo will not do.

duum Vagum, and might be as well in one Place and County as in another; and 'tis not restrained by the *in-nuendo* to *Devonshire*, because 'tis no Averment; it may serve to explain a Thing precedent, but never to add new Matter, or to change the Sense of the precedent Words, and if so, then this is a constructive Perjury, which the Law will not allow. 'Tis true, this is an Information upon the Statute, but yet it ought to be as certain as on an Indictment; the Difference is, That where the Conviction is on the Statute, Disability is Part of the Judgment; but if at Common Law, then Disability is the Consequence of the Conviction; therefore in the last Case a Pardon restores him to be a Witness, but not in the other, for there he must reverse the Judgment.

Perjury in the *Spiritual Court*; or in a *Court-Baron*, is punishable at *Common Law*; but where the Indictment is upon the Statute, it must appear to be committed in a *Court of Record*; as if the Defendant is indicted for procuring a Witness to take a false Oath before the Town-Clerk of *London*; this is not within the Statute, for 'tis *coram non Judice* (not before a proper Judge), and the Subornation must be to give Evidence in a *Court of Record*. Leon. 170.

So where a Man was prosecuted in the *Star-Chamber* for a *Yelv. 3*; Perjury in the *Court of Requests*, where the Freehold of the Land came in Question; it was resolved by all the Judges, That the Man was not punishable, because that Court had no Authority to examine Titles of Land, and therefore what he swore was no more than an idle Oath.

But if a Man swear in common Discourse, That he hath a Property in a Thing, when really he hath not; or if a Constable is sworn to execute his Office truly, and doth not; these and such like Oaths are called Extrajudicial, and are punishable neither at *Common Law*, nor by the Statute of Perjury.

If an Indictment is grounded upon the *Common Law*, there needs not so great a Certainty in it, as if brought on the Statute. *Sid. 106*.

By which it is enacted, *viz. That whosoever shall procure* § *Eliz. another to commit corrupt Perjury in any Court of Record, or in perpetuam rei memoriam, the Suborner shall forfeit 40 l. being convicted; and if not worth it, then he shall be committed six Months without Bail, and shall stand in the Pillory one Hour in some Market-Town adjoining, or where the Offence was committed, and be never more a Witness till Judgment is reversed.*

The Suborned, or he who by his own Act commits wilful Perjury, shall upon Conviction forfeit 20 l. and be committed six Months without Bail, and be disabled to be a Witness till Judgment is reversed; and if not worth 20 l. then to be set in the Pillory as aforesaid, and have both his Ears nailed.

Perjury.

One Moiety of the Forfeitures to the King, the other to the Party grieved; who will sue for the same.

Justices in Sessions have Power to hear and determine, &c. the Offences against this Statute.

My Lord Coke, in his Paraphrase upon this Statute, tells us, That the Indictment must set forth the judicial Proceeding; it must also shew, that the Oath was taken in something material to the Issue, because the Act gives the Remedy to the Party grieved; and if the Deposition is not in a Thing which is conducing to the Issue, the Party is not grieved. *Cro. Car.* 152. 3 *Inst.* 165.

Perjury may be committed in an *Answer in Chancery*, tho' not in a Matter charged in the Bill; but then the Indictment must be laid at *Common Law*, because it is a Thing not material to the Issue: But if it had been in a Deposition it is not * Perjury, if not contrary in a Matter particularly charged in the Interrogatories, because the Commissioners, who administer the Oath, have not Power but only in Matters therein charged. *Sid.* 274.

* Upon the Statute, *Cro. Car.* 353.

† 2 *Bullst.* 322.

1 *Roll. Rep.* 79.

3 *Leon.* 201.

Yelv. 120.

Noy 30.

Latch 38, 132.

4 *Leon.* 105.

Godb. 71, 179.

The Reason why Perjury cannot be punished by the Statute for a false *Affidavit* taken before a Master in *Chancery*, or for a false *Answer*, is, because the Statute extends only to † *Witnesses* in Causes between the Parties; but such false *Affidavit* may be punished as aforesaid, by an Indictment at *Common Law*; and in such Case the *Affidavit* must be filed; and after the Perjury is assigned, you must conclude *prout patet per Recordum* (as appears by the Record). *Style* 336.

But if it appears that the Oath was made in something conducing to the Issue, setting forth that the Master had Power to administer an Oath, the Indictment may be good upon the Statute.

The Defendant having made an *Affidavit* in *C. B.* and appearing in Court upon a Summons, confessed that he made it, and that it was false; whereupon the Court recorded his Confession, and ordered that he should be taken into Custody, and stand on the Pillory, &c.

5 *Eliz. c. c.*

It was objected that his Confession was not a Conviction, but only Evidence of his Guilt, and that he ought to be brought before the Court judicially by Indictment and convicted thereon; besides the Court of *C. B.* hath no Jurisdiction in this Case, it being Criminal; but *per Curiam* (by the Court), the Confession of a Crime is the strongest Evidence against the Criminal himself, and the Statute 5 *Eliz.* gives Power to hear and determine this Offence by Inquisition, &c. or otherwise, by which Word the Confession of the Party may be intended, and the Punishment by Pillory is inflicted by this Statute, which shews that the Court proceeded on this Statute, but it is likewise an Offence at *Common Law*. *Trin.* 9 *Geo. B. R.*

Perjury.

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If an Indictment is at *Common Law*, supposing the Perjury to be committed in a *Deposition* to Interrogatories in *Chancery*, you need not set forth to what Interrogatory; but if it is upon the *Statute*, then you must shew that the Commission was under the Great Seal of *England*, that it may appear to the Court the Commissioners had Authority to administer the Oath, and you must assign the Perjury to be in a Point conducing to the *Issue* in *Chancery*, and shew how it concerned the same.

That a Man is punishable on the Statute for a false Oath before a Steward of a Leet. Style 324. 29 Car. 2. c. 5. Sid. 106. 2 Rol. Rep.

427. Cro. Eliz. 428. 2 Leon. 211. Cro. Eliz. 147, 201. Het. 12.

So likewise, if it be upon the *Statute*, it must appear to be wilful Perjury; for if it is that the Defendant *falso & deceptively deposuit* (falsly and deceitfully deposed), it is not good, though the Indictment concludes *& sic commisit voluntarium Perjurium* (and so hath committed wilful Perjury), because the one is no positive Allegation that he did it wilfully, and the other is but a wrong Conclusion from the Premises.

An Indictment for Perjury in a Deposition.

Suffex, to **T**HE Jurors, &c. That J. O. of H. in the County aforesaid, Innholder, on the seventeenth Day of August in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. at H. aforesaid in the said County, having appeared in Person before R. S. and R. P. Esquires, Commissioners by Virtue of the King's Commission before issuing out of the Court of Chancery at Westminster in the County of Middlesex, and directed to the said R. S. and R. P. for the Examination of Witnesses, as well on the Behalf of J. L. of L. in the said County, Gent. Complainant, as also on the Behalf of C. H. of B. in the said County, Esq; Defendant in a certain Matter or Cause then depending in Variance between them the said J. L. and C. H. in the said Court of Chancery, for the Title to one Messuage with the Appurtenances in H. aforesaid, and then and there being produced as a * Witness by the said J. L. to testify and depose in the Cause aforesaid on the Behalf of him the said J. L. and having been sworn by the said Commissioners to speak the Truth to the Interrogatories then and there administered to him by the said Commissioners, to the sixth Interrogatory then and there administered to him by the said Commissioners, on the Behalf of the said J. L. † did say, and upon his Oath did wilfully and corruptly depose and affirm in these

* If a Man wage his Law, he is a Witness for himself, but not punishable by the Statute. Noy 128.

† If a Man swears the Truth, and

doth not know it, he is guilty of Perjury. Het. 97. † Having touched the Holy Gospel, did depose in these English Words following, is ill; because no positive Allegation, that he was sworn. Cro. Eliz. 104.

Perjury.

English Words following, (that is to say) To the sixth Interrogatory he saith, That the said Messuage was used, &c. as by the said Deposition of the said J. O. among other Things certified and sent by the said Commissioners into the said Court of Chancery and there remaining of Record may more plainly appear, when in Fact the said Messuage was not used, &c. And so the said J. O. on the said seventeenth Day of August in the ninth Year above-mentioned, at H. aforesaid in the said County, did wilfully and corruptly commit wilful and corrupt Perjury before the said R. S. and R. P. being Commissioners of our said Sovereign Lord the King, as is before related, contrary to the Form of the Statute in such Case made and provided, and also against the Peace of our said Lord the King, his Crown and Dignity.

An Indictment upon the Statute of the
29 Car. 2. cap. 5. for Perjury in an
Affidavit before Commissioners extra-
ordinary.

Perjury in an Affidavit before Commissioners, by Virtue of this Act, is punishable as if taken in open Court.

Sussex, to **T**HE Jurors, &c. That J. O. of H. in the County aforesaid, Gentleman, on the sixteenth Day of August in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. at H. aforesaid in the said County, did come before T. S. Gent. then a Commissioner, by Virtue of a certain Act of Parliament made in the twenty-ninth Year of the Reign of the Lord Charles the Second, late King of England, &c. intituled, (An Act for taking Affidavits in the Country, to be made use of in the Courts of King's Bench, Common Pleas and Exchequer) and then and there having been sworn upon the Holy Gospel of GOD (the said T. S. then having sufficient Authority to administer the Oath to the said J. O. by Virtue of the Act of Parliament aforesaid) did then and there upon his Oath, maliciously, falsely, wilfully and corruptly depose, swear, and affirm in Writing, of and concerning (here recite the special Matter, and afterwards the Affidavit,) between R. W. Plaintiff, and P. E. Defendant, as by the said Affidavit of the said J. O. remaining in Writing, and filed in the Court of our said Sovereign Lord the King, before the King himself at Westminster in the County of Middlesex, may more fully appear, when in Fact the said J. O. did falsely, maliciously, wilfully and corruptly depose, swear and affirm in Writing, &c. (here recite the Perjury) and so the said J. O. on the said sixteenth Day of August in the ninth Year above-mentioned,

mentioned, at H. aforesaid in the said County, did falsly, maliciously, wilfully and corruptly, commit wilful and corrupt Perjury before the said T. S. Gent. then and yet being a Commissioner by Virtue of the said Act of Parliament, and then and there having sufficient Authority to administer the Oath aforesaid to the said J. O. contrary to the Form of the Statute in such Case made and provided, and also against the Peace of our said Lord the King, his Crown and Dignity.

An Indictment for Subornation of Perjury.

Middlesex, to **T**HE Jurors for our Sovereign Lord the King upon their Oath present, That F. L. late of H. in the County aforesaid, Gentleman, on the seventeenth Day of August in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. at Westminster in the said County, did unlawfully and corruptly, and by sinister and unlawful Labour and Means procure and cause one R. O. of H. aforesaid in the said County, Labourer, (a Witness on the Behalf of F. L. then and there produced to testify for the said F. L. in the Court of Chancery of our said Sovereign Lord the King at Westminster aforesaid, to a certain Bill in the said Court depending, for and concerning a Legacy of fifteen Pounds devised and bequeathed to one F. L. the Son of the said F. L. by the Last Will of one S. S. the Father of one R. S.) to commit wilful and corrupt Perjury; in this, that the said R. O. did falsly affirm upon his Oath, and corruptly say before our said Sovereign Lord the King in the Court of Chancery at Westminster aforesaid, That he the said R. O. (here recite the Oath) when in Fact (here recite the Perjury) by Reason of which false Deposition and Oath made and sworn by the said R. O. in the Manner and Form aforesaid, the said R. S. hath sustained Damages to twenty Pounds, and so the said F. L. on the said seventeenth Day of August in the Year above-mentioned, at Westminster aforesaid in the said County of Middlesex, did cause and procure the said R. O. to commit wilful and corrupt Perjury in his Deposition aforesaid, in Contempt of our said Lord the King, and to the great Damage of him the said R. S. contrary to the Form of the Statute in such Case made and provided, and also against the Peace of our said Lord the King, his Crown and Dignity.

If in reciting the Action, you should mistake the Term in which it was brought, this is only circumstantial; and if it appear to be between the same Parties and in

Perjury.

the same Cause, 'tis good, for the Defendant cannot be doubly charged in such Case. *Godb.* 88.

3 Mod. 122.

Indictment against the Defendant, for that he *movebat, persuadebat & subornavit* (moved, persuaded and suborned) *A. T.* to swear that several Men were at such a Conventicle, who really were at another Place at that Time; upon Not guilty pleaded, the Defendant was found guilty, but upon a Writ of Error brought, the Judgment was reversed, because the Indictment did not set forth that any Oath was made, for it is not enough for one to say, that the Defendant suborned another to commit Perjury, but he ought to shew what Perjury it is; which cannot be done unless an Oath was made.

If Issue be joined upon any of these Indictments, and the Prosecutor will not try it, the Defendant may bring it on by *Proviso*, though it is not in the Case of the King, because it is for the Benefit of the Subject not to lie under such an Imputation.

And because the Fact shall be tried, the Courts above do not grant *Certiorari's* to remove these Indictments, nor quash them upon Motions before Trial.

Sid. 49.
1 Lev. 9.

Neither after Trial do they grant a *New one*, tho' there is apparent Cause; but this must be understood where the Defendant is acquitted; for it is otherwise where he is found guilty.

Sid. 217.

R. was convicted of Perjury, upon the Evidence of *D.* and afterwards *R.* convicted *D.* of Perjury in the very same Matter; but before he can be restored to his Credit, he must bring a Writ of Error to reverse the Judgment upon the first Perjury.

Sid. 377.

I shall mention a Case or two more, and conclude this Title.

B. a Midwife was indicted for Perjury; the Case was thus, *viz.* one *Dormer* was Tenant for Life, with Remainder in Tail to his Son, and for want of such Issue to his Daughter, &c. he married, and lodged with his Wife in *Chancery-lane*, and in a short Time he died; the Wife soon after his Death declared, That she was delivered of a Daughter; and upon a Trial in Ejectment between the Infant and him in Remainder, it was proved that she was delivered, by Circumstances usual in such Cases; but the Midwife deposed, That this was the Child of a poor Woman in *St. Giles's in the Fields*, which she bought of the Mother for Half a Crown, and that she conveyed it in the Bosom of Mrs. *Dormer*, who cried out, and then the Midwife took the Child from her, and that there was a Bladder of Blood, and some other Things provided by her, to shew the After-birth: The Jury gave Credit to the Midwife, and acquitted her of the Perjury.

Moort 657.

A Bill in *Chancery* was filed against *B.* who put in his Answer, and made Affidavit, that *C.* was so ill that he could not travel; when the Cause came to be heard, *C.* came into Court, and affirmed, That he was not sick, but that it was a Contrivance

of

Perjury.

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of *B.* who desired him to feign himself sick in Bed, that he might depose he left him so. The Lord Keeper *Egerton* order'd both Parties to attend, and to be examined on Interrogatories, and *B.* denied the Practice; but *C.* affirmed it, and produced some Witnesses, who proved it very plainly. Now this being double Perjury, for making a false Affidavit, and afterwards denying the Practice on Interrogatories, he was fined 20 *l.* to the King, and committed. This I have mentioned, because there have been some Doubts, whether the *Chancery* could punish Perjury.

Price was indicted upon the Statute, for that he being produced as a Witness for the King upon a Trial in an Information, he did forswear himself, and shewed wherein: And it was held, That a Witness for the King cannot be punished by an *Indictment*; which is merely at the Suit of the King, for he cannot punish his own Witness; but he may be prosecuted upon the Statute by an *Information*, because one Moiety On the Statute. of the Penalty goes to the Informer.

Sir *John Jackson* obtained a Verdict against one *Primate*, in *Trespass*, who indicted the Witnesses for Perjury; and this coming to a Trial, Sir *John* ordered his Servants to beat the Witnesses who were to prove the Perjury; which was done, so as they could not appear that Day: And thereupon the Defendants were acquitted; and because after an Acquittal in a criminal Case a new Trial cannot be granted, therefore the Court directed an Information against Sir *John Jackson* for this Offence, and he was convicted upon it, and fined 1000 *l.* and bound to his Good Behaviour for a Year. 1 *Lev.* 124. *Sid.* 153.

By 12 *Geo.* 1. If any Person who hath or shall be convicted of Forgery, or of wilful and corrupt Perjury, shall act as an Attorney, &c. the Judges, upon Complaint, shall examine the Matter in a summary Way; and if the Complaint be just, may transport the Offender for seven Years.

And by 2 *Geo.* 2. c. 25. the more effectually to deter Persons from committing wilful and corrupt Perjury, or Subornation of Perjury, besides the Punishment already to be inflicted by Law for so great Crimes, the Judge, before whom any Person shall be convicted, may order the Convict to the House of Correction for seven Years, or may transport him for seven Years; and if Transportation be ordered, it is to be in the same Manner as Felons are transported; and if such Person breaks Prison, or returns before his Time, being convicted, shall suffer Death as a Felon without the Benefit of Clergy.

The above-mentioned Act being a temporary Act was suffered to expire; but by 9 *Geo.* 2. c. 13. this Act of 2 *Geo.* 2. against Forgery, Perjury, &c. is revived and made perpetual.

Petition,

Petition.

NO Person shall sollicite or procure the Getting of the Hands of above twenty People to a Petition, Complaint, Remonstrance or Declaration to the King, or to the Parliament, for any Alteration to be made, either in the Church or State, unless the Matter is first consented unto by three or more Justices of the Peace, or by the major Part of the Grand Jury at the Assizes or Sessions, or in *London*, by the Lord Mayor, Aldermen, and Common Council; nor present it to the King with above ten in Number: The Penalty is any Sum not exceeding One hundred Pounds, and three Months Imprisonment without Bail.

It must be presented at the Assizes or Sessions, within six Months after the Offence, and proved by two or more credible Witnesses.

But Persons not exceeding ten may present any Grievance to a Member of Parliament during the Sessions, or to the King, and both Houses of Parliament, or either may address to him. 13 Car. 2. cap. 5.

Pick-Pocket.

THIS is called, by my Lord *Hale*, Larceny from the Person, without putting him in Fear, for it is done *clam & secrete*, (privily and secretly) without his Knowledge; and in such Case, the Offender shall not have the Benefit of his Clergy; for it is taken away by 8 *Eliz. cap. 4*.

But it is not Capital, unless the Thing taken be of the Value of 12 *d.* or more; for though the Statute took away the Privilege of Clergy, it did not alter the Offence, but it remains still Petit Larceny, if under that Value. Therefore,

1. It must be *clam & secrete*, (privily and secretly).
2. The Thief must have the actual Possession of the Thing taken.
3. It must be without putting in Fear.
4. And above the Value of 12 *d.*

An Indictment for this Offence.

Suffex, to **T**HE Jurors, &c. That J. O. late of H. in
 wit, the said County, Labourer, on the first Day of
 April in the Ninth Year of the Reign of our Sovereign Lord
 George the Second, now King of Great Britain, &c. at H.
 aforesaid in the said County, did then and there feloniously take,
 steal and carry away, ten Shillings in ready Money, of the
 Goods and Chattels of one R. P. from him the said R. P. privily
 and secretly, and without his Knowledge, against the Peace of
 our said Lord the King, his Crown and Dignity.

Pigeons.

ANY Person killing or taking them shall be committed
 by any two Justices for three Months, without Bail,
 unless he pay immediately to the Use of the Poor where the
 Offence was committed, or the Offender apprehended, 20 s.
 for every Pigeon so killed or destroyed.

If he doth not pay the Penalty, but is committed, then
 he may, after a Commitment for a Month, be discharged,
 if he will be bound before two Justices, with two Sureties in
 20 l. a-piece, with a Condition never to offend again in the
 like Nature.

Conviction must be by his own Confession, or by the Oath
 of two Witnesses, before two Justices.

See more for Pigeons, under Title Dogs.

'Tis not a common Nuisance to build a Pigeon-house, if
 the Person is a Freeholder, and therefore not punishable in a
 Leet; for it cannot be a common Nuisance, unless 'tis so to all
 People: Now this can be only a Nuisance to those whose Corn
 they eat. 2 Cro. 492. Poph. 141.

Pillory.

Pillory.

THIS is an infamous Punishment used here in the *Saxons* Times, and since that appointed by several Statutes.

51 *H. 3.* On Bakers.

31 *Ed. 1.* On Forefallers.

11 *H. 7. cap. 4.* For false Weights.

33 *H. 8. cap. 1.* Getting Money by Counterfeit Letters.

2 *Ed. 6. cap. 15.* Workmen conspiring about Wages, second Offence.

5 *Ed. 6. cap. 6.* Counterfeiting Seals of Cloth, or taking them off.

5 *Eliz. cap. 9.* Perjury.

9 *Geo. 2. cap. 3.* Telling Fortunes, &c.

3 *Inft. 219.*

Justices of Peace should be well advised before they give Judgment herein, and the safest Way is to follow the Acts of Parliament.

Piracy.

IS an Offence of which the Common Law takes no Notice, because it cannot be tried by that Law, being done out of the Land.

'Tis Felony by the Civil Law, and was triable by it until the * Statute of *H. 8.* which alters not the † Offence, but the Method of Trial, *viz.* That it shall be tried according to the Course of the Common Law.

* 28 *H. 8. cap. 15.*

† Therefore Clergy not allowed, because which doth not

'tis not an Offence at Common Law, but by the Civil Law, which doth not allow Clergy in any Case. *Moor 756. Yelv. 135. Noy 131.*

'Tis for this Reason, That a Pardon of all Felonies will not pardon Piracy, because 'tis not Felony at Common Law, and therefore there can be no Corruption of Blood upon an Attainder for this Offence, tho' there is a Forfeiture of Life, Lands and Goods.

Neither can there be any Accessary at Land, because the Principal is not a Felon by our Law; but there may be an Accessary at Sea, and his Trial must be by the Civil Law, for

* 2 & 3 *Ed.*

6 *G. c. 24.*

11 & 12 *W.*

6 *G. c. 19.*

made perpetual.

no * Statute concerning Accessaries extends to this Offence. But because it was a great Trouble and Charge to send People into *England* to be tried here for Piracies committed in the *Indies*; therefore by the Statute 11 *W.* 'tis enacted, That all Piracies, Felonies and Robberies, committed in any Port or Place

Place where the Admiral hath Jurisdiction, may be tried either at Sea, or upon Land in any of the Islands, Plantations, Colonies, Dominions, Forts and Factories of the King, where it shall be appointed by Commission under the Great Seal of *England*, or the Seal of the Admiralty; which Commission is to be directed to the Admiral, Vice-Admirals, Rear-Admirals, Judges of Vice-Admiralty, or Commanders of any of the King's Ships of War, and to such other Persons as the King shall think fit.

These Commissioners may commit the Offender to Prison by Warrant under their Hands and Seals; but they must have Information of the Fact upon Oath, which they may administer.

Then they may assemble a Court of Admiralty, which must consist of seven Persons; and if so many cannot be had, then may three of the Commissioners, whereof the President of the *English* Factory, or the Governor, Lieutenant-Governor, or Member of his Majesty's Councils in any of the Plantations, or Commander of one of his Majesty's Ships, is to be one, who may assemble any Persons to make up seven in Number, so as they are Merchants, Factors or Planters, Captains, Lieutenants, or Warrant-Officers in Ships of War, or Captains, Masters, or Mates in Merchant-men.

This Court may issue out Warrants to bring in the Party accused, may summon Witnesses, and examine them on Oath, and may give Sentence and Judgment of Death, and may award Execution according to the Civil Law: And the Persons so convicted shall lose Lands, Goods and Chattels, as if attainted by Common Law.

When the Court is first assembled, the Commission shall be read, and the Court shall be called and proclaimed, and the President shall take his Oath:

J. I. R. P. do swear, &c. Then he shall administer the same Oath to the rest of the Court: Then the Prisoner shall appear, and the Register shall read the Articles upon which he is to be tried, in which Articles the particular Facts of Piracy, when and where, and in what Manner, &c. shall be expressed.

The Witnesses for and against the Prisoner shall be examined on Oath, and Judgment shall be given by Plurality of Votes; and the Prisoner shall be executed on the Sea, by Warrant directed to a Provost-Marshal, who shall be appointed for that Purpose by the President, and the major Part of the Court.

The Register must be a Publick Notary, or one appointed by the Court, who must take Minutes, and enter them in a Book, and shall transmit the same, with the Copies of Articles and Indictments, to the Admiralty in *England*.

If

If any of the King's Subjects commit an Act of Hostility on the Sea against other of his Subjects, by Virtue of any Commission from any Foreign Prince or State; this is Piracy.

If any Master of a Ship, Seaman or Mariner, where the Admiral hath Jurisdiction, shall betray his Trust, turn Pirate, run away with his Ship, &c. Goods or Merchandize, or yield them up to any Pirate, or shall bring any seducing Messages from any Pirate, or corrupt or attempt any Commander or Mariner to yield up, or run away with the Ship or Goods, to lay violent Hands on his Commander, to hinder him from defending his Ship, &c. or shall confine the Master, or endeavour to make any Revolt in the Ship; such Person shall be taken to be a Pirate, &c.

He that sets forth a Pirate, or doth aid, assist, maintain, procure, command, counsel or advise any Person to commit Piracy, who doth it accordingly, is Accessary to the Piracy; and so is the Receiver or Concealer of a Pirate, knowing him to be so; and such Accessaries must be tried by the Common Law, as the Principals are, by the Statute 28 H. 8. which is declared to be in Force; and if convicted, shall be executed. See the Statutes at Large.

5 Annæ.

This Act is now continued by 5 Annæ, for the Space of seven Years, and from thence to the End of the next Sessions of Parliament, and by an Act 6 Georgii made perpetual.

By the Statute 4 G. cap. 11. 'tis enacted, That all Persons who shall commit any Offence, for which they ought to be adjudged Pirates, Felons or Robbers, by the Act 11 & 12 W. 3. above-mentioned, they may be tried and adjudged for the same in such Manner and Form as by an Act 28 H. 8. is directed, and shall not have Benefit of Clergy.

8 Georgii.

Trading with a Pirate, or furnishing him on the Seas with Ammunition, or Provision, or Stores of any Kind, or corresponding with him, knowing him to be a Pirate, shall be a Felon, and tried according to the Statute of H. 8. and 11 & 12 Will. and being convicted, shall suffer Death without Benefit of Clergy.

Any Person belonging to a Ship or Vessel, who shall forcibly board or enter into any Ship or Vessel, though he doth not seize or carry her off, but shall throw over Board, or destroy any Part of the Goods, shall be deemed a Pirate, and punish'd as such.

Any Ship or Vessel fitted out with a Design to trade or correspond with Pirates, the said Ship and all Goods put on Board thereof shall be *ipso facto* forfeited, one Moiety to the King, the other Moiety to the Informer, who may sue for it in the Court of Admiralty.

All Persons who by the Statute 11 & 12 Will. are declared to be Accessaries to any Pirates, shall from henceforth be Principals, and shall be tried as such by the Statute 11 & 12 Will.

Piracy. Plague.

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and being convicted shall suffer as by the said Act without Benefit of Clergy.

Seamen wounded in Defence of the Ship or Vessel against any Pirate, shall not only have the Rewards appointed by the Statute 22 & 23 Car. 2. but shall be provided for in *Greenwich Hospital*, preferable to any Seaman who is disabled by Age.

A Commander, Master, Officer or Seaman in any Merchant-man, carrying Guns and Arms, and not fighting and endeavouring to defend themselves and the Ship, being attacked by any Pirate, or by Words discouraging the Seamen to fight, so that the Ship is taken, shall forfeit all his Wages due from the Owners, and shall be committed for six Months.

No Master or Owner of any Merchant-Ship or Vessel shall pay any Wages to Seamen whilst beyond Sea, exceeding one Half, which shall be then due; nor until the Ship shall return to some of the King's Dominions, under the Penalty of forfeiting double the Money so paid, to be recovered in the Court of Admiralty by him who shall discover it and inform.

Captain or other Officer of a Man of War, receiving any Goods on Board in order to Trade, except Gold, Silver or Jewels, or except Goods of the Shipwreckt Vessels, and except such Goods as the Lord High Admiral, or three Commissioners of the Admiralty shall be order'd to be taken on Board; and being convicted thereof by a Court Martial, shall lose his Office and Command in the Ship, and be incapable to serve in any other; and shall forfeit to the King all Wages then due after such Offence committed.

The Captain, Commander, or other Officer, and all Owners of such Goods put on Board a Man of War, shall forfeit the full Value; one Moiety to him who shall discover and inform, the other Moiety to *Greenwich Hospital*, to be recovered in the Court of Admiralty.

By 2 Geo. 2. cap. 28. the Act 8 Geo. 1. c. 24. for the more effectual suppressing of Piracy, is made perpetual.

Plague.

AN infectious Person commanded to keep in, and afterwards going abroad, having a Sore not cured, 'tis Felony without Corruption of Blood, or Forfeiture of Goods; but if he hath no Sore, he is to be punished as a Vagrant, and bound to his Good Behaviour for a Year; and if such Person

Plague. Poison.

Person is wounded by a Watchman, attempting to come forth, the Watchman is not punishable.

Justices of Peace in a Corporation may set a weekly Tax on the Inhabitants of the Corporation, for Relief of Persons infected there; and if not able to pay it, then the Justices of the Corporation certifying it to the two next Justices of the County, they may tax all the Inhabitants within five Miles of the Corporation; those who are negligent in levying the Tax forfeit 10 s. 1 *Jac. cap. 31.*

9 A. c. 2.

By the Statute of 9 *Annæ*, Ships coming from any Place infected with the Plague, shall perform their *Quarentine* as by Proclamation shall be directed, and that no Person shall come from, or return to such Ship during that Time: And if any Person arrive into any Port in *England* or *Ireland*, in any Ship coming from a Place infected, &c. and which is obliged to do *Quarentine*, shall quit such Ship whilst under *Quarentine*, he may at any Time after the Expiration of the *Quarentine*, be convicted thereof by the Oath of one Witness, before one Justice, &c. living near the Place where the Offence was done, and shall then forfeit any Sum not exceeding 20 *l.* as the Justice shall adjudge, to be forthwith paid unto such Justice, &c. who may reward the Informer, not exceeding one third Part, and shall pay the Remainder (deducting the Charges) to the Use of the Poor of the Parish where such Conviction shall be made; and in Default thereof, the Justice, &c. may send him to the House of Correction, there to be kept to hard Labour for any Time not exceeding a Month.

The Justices of the Counties adjoining to the Places where the *Quarentine* shall be appointed to be performed, may cause Watches to be kept Day and Night in the adjacent Parishes, to prohibit any Person going on Board any Ship under *Quarentine*, except those who are to look after her, or have Licence. See *Quarentine*. See 1 *Geo. 2. Sess. 2. c. 13.*

Pleas. See *Felony*.

Point. See *Bone-Lace*.

Pond. See *Water* in Title *Fish*.

Poison.

Killing a Man by Poison is so villanous a Murder, that it was Treason, and punishable by boiling to Death in hot Water before 22 *H. 8. c. 89.* but that Statute was repealed by 1 *Ed. 6. c. 12.* and 1 *M. 1.* and maliciously Poisoning, by which

which Death doth ensue within a Year and a Day, is declared to be wilful Murder of Malice prepensed.

A Man brought Drink to another, knowing it to be Poison, and perswaded him to drink it; who afterwards drank it, but not in his Presence; this was Murder in him who brought it.

The Husband gave a poisoned Apple to his Wife to eat, who not knowing it, gave it to her Child, with which it died; this was Murder in the Husband. 8 Rep. 44, 9 Rep. 81.

Indictment for that he did put *quoddam Venenum, Anglica Antimony*, into a Cup of Beer, and gave it to J. S. It was objected that *Venenum* was Latin for Poison generally, and not for any Species of it; but this was over-ruled. See Hardr. 361.

0002.

IT was the Complaint of my Lord Chief Justice Hale, That the Laws of this Kingdom are defective in the Provision for the Poor, and that (contrary to all other Nations) the more populous we are, still we are the poorer.

But as the Law now stands, which is chiefly that of 43 Eliz. cap. 2. the Faults seem wholly to be in the Overseers of the Poor, who have only got a Custom of taxing the Parish, and neglect their Duty in the most material Things relating to their Poor.

This is the first Statute-Law made for the Relief of the Poor; for before the Reformation, there was no Occasion for any such Law, because such was the Devotion of our Ancestors, that there seemed to be a pious Contention amongst them, who should first bring their Offering to the Church.

The Bishop, to whom the Charge of Souls was committed, was (for that Reason) thought the fittest Person to be intrusted with those Oblations, which were used to be divided into four Parts, and thus distributed, viz. To the Priest, to the Poor, towards the Fabrick of the Church, and to himself, *Hospitalitatis exercendæ Causa*, (by reason of his exercising Hospitality).

By these and other superabundant Offerings at Altars, Sepulchres and Shrines of Martyrs, the Church became so rich that several Monasteries, Priories, religious Houses and Hospitals, were by this Means founded and plentifully endowed, where the Poor were sufficiently relieved, till those Houses were dissolved; and it was above 50 Years after the Dissolution that this Statute was made.

Overseers,
when, and
how made.

These Persons, who must be substantial Household-ers, are usually nominated in the *Easter-Week*, or within a Month afterwards, and this by an Appointment under the Hands and Seals of two Justices dwelling in or near the Parish, or Division where the Parish lieth. The Form is thus :

Two Justices, Suffex, to **W**E whose Names are subscribed, being Justices Quorum unus. : wit, of Peace for the County of S: do appoint T. P. and J. O. of H. in the said County, to be Overseers of the Poor of the said Parish, for and during the Space of one whole Year next ensuing the Date hereof, according to the Form of the Statute in that Case made and provided. Given under our Hands and Seals, &c.

When to meet. By this Statute, they are to meet every Month in the Parish-Church, if not sick, or having some other just Excuse to be allowed by two Justices ; and the Intent of their Meeting is to consider of some proper Methods, not only to tax the People, and apply the Money for the Relief of the Poor, but to raise by such Taxation a convenient Stock of Flax, Hemp, Wool, Iron, and other necessary Stuff, to set them to work.

If they neglect thus to meet, they forfeit 20 s. for every Neglect, to the Use of the Poor.

We have Laws now in Force to confine Men to certain Places of Habitation, which is a Sort of Imprisonment, not for a Fault, but for a Misfortune in being poor ; and it hath been questioned by some, whether such Laws are fit to be introduced amongst us, especially when so little Care is taken to employ our Poor.

It was this made a late Author propose an Expedient, which he thought would be more effectual to raise a Stock to set them to Work, viz. That every Person who deviseth one or more Legacies to the Value of 1000 L. shall bequeath 5 L. to the Poor of the Hundred or Division where he died ; and in Case of Neglect, the Law should make such a Construction ; and this was to be paid to the High Constable, and applied by the Justices at their next Monthly Meeting to raise a Stock to set the Poor to work where there is most Occasion.

8 & 9 W.
Certificate.
Explanatory
Act.
9 & 10 W.
cap. 11.

But by a late Act, the Liberty of a poor Man is a little enlarged, for now he may remove into another Parish where he may have Work ; but then he must have a Certificate under the Hands and Seals of the Church-wardens and Overseers, or the major Part of them ; or under the Hands and Seals of the Overseers, where there are no Church-wardens, acknowledging the Person therein mentioned to be an Inhabitant legally settled in the Parish.

This

This Certificate must be attested by two Witnesses, and allowed and subscribed by two Justices, and delivered to the Officers of the Parish to which he removeth.

And this shall oblige the first Parish to relieve the poor Man and his Family when he stands in Need of Relief.

And by a subsequent Law, 'tis declared, That the Person who shall come into a Parish by such Certificate, shall not be adjudged to have a lawful Settlement by any Act whatsoever, unless he shall take a Lease of 10 l. per Ann. or execute some annual Office in such Parish. 12 Annæ, c. 18.

Where a Man lives in a Parish, and hath Lands of his own there, or in Right of his Wife; he is not removable; but if he hath such Lands in one Parish, and lives in another, those Lands will not make a Settlement of him in the Parish where they lie, because he lives in another Parish. 2 Salk. 524.

In Trinity-Term 2 Anna, a Question did arise between two Parishes in Northampton, upon an Order removed into B. R. by *Certiorari*, which is thus:

A Person who was not legally settled in the Parish who gave the Certificate, but who had lived there some Time, went into another Parish by Virtue of the Certificate, by which the Parish who gave it, owned him to be settled as an Inhabitant with them; afterwards being poor, the Parish from which he came took him again; but upon Enquiry, found that he was never lawfully settled with them, but had gained a Settlement in another Place before they gave this Certificate, and thither they removed him: The Parish to which he was removed appeals, because those who had given the Certificate had owned him to be an Inhabitant settled with them; but the Certificate was held by the Court to be only an Evidence of a Settlement; and so the first Order was confirmed.

But in another Case it was held, That a Certificate is conclusive to all Parishes, for 'tis a solemn Acknowledgment that the Person is legally settled with them; and that there is no Reason to make it differ from an Adjudication, since 'tis an Acknowledgment of the Parishioners signed by proper Officers, and confirmed by two Justices, who are proper Judges, and there would have been an Adjudication of a Settlement upon less Evidence. 2 Salk. 535.

W. R. came from the Parish of *W.* with a Certificate, he being legally settled there, and went to the Parish of *K.* and because he was likely to be chargeable, they sent him back again to *W.* by an Order, but it was quashed, because by the Statute 8 & 9 *W. cap.* 30. he is not removable who comes with a Certificate, unless he is actually chargeable, and by this Order it is only said that he is likely to be chargeable, and the Sessions have no Jurisdiction by Way of Appeal upon such an Order.

2 Salk. 436.

So when the Order was thus, viz. Whereas Complaint hath been made unto us, &c. That *W. R.* who lately came into the Parish of *B.* with a *Certificate* according to the Statute 8 & 9 *Will.* is *actually chargeable* to the said Parish, &c. this was quashed, because the Justices must make an *Adjudication* that he is chargeable, for unless they adjudge him chargeable, he is not to be removed.

Who are to be relieved, who not.

9 Geo. c. 7.
See more of
this Stat. post.
549, 550, 551.

No Justice of Peace shall order Relief to any poor Person dwelling in a Parish 'till Oath be made before such Justice of some Matter, which he shall adjudge to be a reasonable Cause for having such Relief; and that the same Person had by himself, or by some other applied to the Vestry for Relief, or at some publick Meeting of the Parishioners or to two Overseers, and was by them refused to be relieved, and till such Justice hath summoned two of the Overseers to shew cause why such should not be given, and the Persons so summoned have been heard or made Default to appear before the Justice.

See Mr. Ser-
jeant Darnel's
Opinion upon
this Stat. in the
Introduction.

The Person whom the Justice shall order to be relieved, shall be entered in the Parish-Books, as one of those who is to receive Collection as long as the Cause of such Relief continues, and no longer: And no Parish-Officer (except on an emergent Occasion) shall bring to the Account of any Parish any Monies he shall give to a poor Person who is not registred in his Parish-Book, as a Person entitled to receive Collection, on Forfeiture of 5 *l.* to be levied, by Distress and Sale by Warrant of two Justices to the Use of the Poor.

The Persons to be maintained by a Parish-Charge, are of two Sorts, viz.

- Poor, {
1. By Impotency, as aged Persons; by Defect, as Infants; being naturally disabled, as Ideots or Persons visited by Sicknes.
 2. By Casualty, as Persons maimed; House-keepers decayed by Fire, Robbery; or being bound for others, and paying their Debts.

Who are to be taxed, and how; and concerning Church-wardens Accounts.

And every Inhabitant and Occupier of Houses, Lands, Tithes, Mines or Under-woods, is to be taxed towards this Charge, according to the visible Estate which he hath or possesseth in the Parish where taxed, and not elsewhere.

This Tax is either upon Lands or Goods; but one and the same Person is seldom taxed for both.

The Farmer or Occupier, and not the Landlord, is liable to this Tax; for it arises by Reason of the Land in the Parish, and the Landlord is never assessed for his Rent.

The most reasonable Way of Land is, according to a Pound-Rate, and not according to the Quantity of the Land.

Where

Where a Man hath Land, and a great Stock of Wares; as a Clothier, &c. he may be taxed for both, but not for such Stock or Goods which he doth use to manure his Lands.

When Goods are rated, it ought to be after the Value of Lands, viz. Goods of the Value of 100*l.* should be rated 5*l.* per Annum, as Lands are; and the Person must be charged only in that Place where the Goods are at the Time of the Assessment; for if he hath no Goods where assessed, and is distrained, he may have an Action of Trespass, &c.

If the Parish is not able to maintain its own Poor, two Justices may tax any Parish within the Hundred, and the Sessions may tax any Parish within the County.

If a Parish extendeth into two Counties, or Liberties, the Justices in such Case shall intermeddle with that Part which lies within their respective Jurisdictions, but the Overseers shall act in the whole Parish and not divide themselves. 1 Vent. 350.

If there is a Vill in a Parish which formerly had a Church or Chapel, and parochial Rites, and Officers chosen by the Inhabitants, and a separate Taxation made, &c. this is a Parish within the Act. Hutt. 93. Cro. Car. 92. Jones 355.

But making Rates since the Statute, and Proof of a Chapel being in a Village before, will not make it a Parish with all other Parochial Rites. They must have Sacraments and Sacramentals at the Time of the Making the Statute.

An original Order was made at the Quarter-Sessions, setting forth that the Parish of *D.* was burthened with Poor, that that *East-Church* had no Poor; therefore they ordered that *D.* should be annexed to *East-Church*, and that the Occupiers of Lands there should contribute 20*l.* per Annum, by equal monthly Payments to *D.* as long as it was overburthened with Poor, and *East-Church* had none: Adjudged that by the Statute 43 *El.* the Sessions may tax particular Persons in Aid for the Relief of the Poor in another Parish, or they may (as in this Case) assize the whole Parish in a certain Sum, and leave it to the Parish-Officers to proportion and collect, and that this Order was good for that Part, but naught as to the Uniting the Parishes. 1 Salk. 480.

A Rate made by the Church-wardens, &c. for the Relief of the Poor was confirmed by two Justices, but the Whole was rated upon the *real Estates*, and nothing on *personal Estates*, and therefore upon an Appeal the Rate was quash'd, and the Church-wardens were order'd to make a new Rate both upon *real and personal Estates*, which they did, but with great Inequality, for the *real Estates* were rated ten Times more in Proportion than the *personal Estates*; and thereupon this Rate was set aside upon an Appeal: It was objected that the Sessions had not Power to vacate whole Rates, but only to 2 Salk. 483, 524.

relieve particular Persons whom they find to be aggrieved; but adjudged that they may vacate whole Rates, and refer it to the Church-wardens to make new Rates, or they may make Rates themselves.

2 Salk. 532.

P. took Part of a House in the Parish of *B.* on the third Day of December, and was rated and distrained for a Quarter's Rate due Christmas following, which Distress was taken on a General Warrant made for the whole Year: Adjudged that he could not be rated for a whole Quarter, because by the Statute the Poors Rates are to be assessed monthly, for otherwise a Man cannot remove in the Middle of a Quarter, but he will be twice rated; neither can a Distress be taken by a general Warrant made at the Time of the Rate, but there ought to be a special Warrant; neither can it be taken for a Quarter before it is ended, if the Custom is to rate quarterly.

2 Salk. 527.

Adjudged that *Hospital Lands* are ratable to the Poor, because no Man by appropriating his Lands to an *Hospital* can exempt them from such Rates to which they were subject before, and by that Means lay a greater Burthen on the Parish.

2 Salk. 526.

Adjudged that all Rates ought to be equal as near as may be, therefore a standing Rate cannot be good, because Lands may be improved every Year, and therefore a Rate may be alter'd as Circumstances alter.

Order made by two Justices, &c. to Overseers to continue the weekly Payment of 2 s. to *W. R.* and all the Arrears till they find him an House, quash'd, because the Overseers have no Power to find him an House; that must be done by the Lord of the Manor, or by the Justices.

The Church-wardens of *Bishopsgate* made a Tax for the Relief of their Poor for a whole Year, which amounted to 600 l. and upwards, when they should have made only a quarterly Tax, and this was confirmed by the Alderman of the Ward thro' Inadvertency, who fearing the Church-wardens might collect the whole Sum, and make some ill Use of it, refused to grant his Warrant to distrain for this Tax; whereupon they moved for a *Mandamus*, and obtained a Rule for the Alderman to shew Cause why it should not be granted, who upon another Day shew'd the Matter before-mentioned for Cause, and thereupon a Rule was made, that he should grant his Warrant to distrain quarterly. *Mich. 1721.* The Church-wardens of *Bishopsgate* versus Alderman *Beecher*.

The

The Title of an Assessment for the Poor.

H. in the County of **A** *N* Assessment made on the Inhabitants
Sussex, to wit, *of the Parish aforesaid*, for and to-
wards the necessary Relief of the Poor thereof for this present
Year, commencing, &c.

J. O. }
W. U. } Church-wardens.
E. H. }
R. N. } Overseers.

A Confirmation of the Rates by the In-
habitants.

W *E* whose Names are subscribed to this Assessment, being
Inhabitants of the Parish aforesaid, have seen and
perus'd the same; and the several Sums above-mentioned are,
by our Approbation, rated upon the respective Persons, according
to the best of our Judgment.

Witness our Hands.

T. P. R. B. D. O.

Confirmed by two Justices.

R *Atified and allowed by us, two of his Majesty's Justices of*
the Peace for the County aforesaid.

W. N. T. B.

The Rate being thus confirmed, if any Person shall re-
fuse to pay, &c. it may be levied by Warrant from two
Justices by Distress, &c. and if that cannot be taken, then
two Justices may commit without Bail till Payment, &c.
The Form is:

E 4 A War-

A Warrant to distrain for the Poor's Tax.

To the Church-wardens and Overseers of the Poor of the
Parish of H.

Two Justices,
Quorum unus.

WHereas Complaint hath been made unto us, That J. O. and T. P. both of your Parish, Husbandmen, being duly and severally assessed; that is to say, J. O. in 3 s. and T. P. in 5 s. for and towards the necessary Relief of the Poor of the said Parish, have and do refuse to pay the same as by Law they ought. These are therefore to command you, That forthwith you, or one of you, do levy the said respective Sums of Money upon the said J. O. and T. P. by Distress and Sale of their respective Goods, and in Default of such Distress, that then you certify the same to us. Given under our Hands and Seals, &c.

A Mittimus where a Distress cannot be had.

To the Keeper, &c.

Suffex, to **W**Hereas J. O. and T. P. both of, &c. were
cott, lawfully and duly assessed at the respective
Sums of, &c. for and towards the necessary Relief of the Poor of
the said Parish, and that they refused to pay the said Sums, and
thereupon a Warrant was directed to the Church-wardens and
Overseers of the Poor of the Parish aforesaid, under the Hands
and Seals of, &c. two of his Majesty's Justices of the Peace for
the said County, to levy the same by Distress and Sale of the Goods
of the said Offenders: And whereas it appeareth unto us, That
the said J. O. and T. P. have no Goods and Chattels upon
which a Distress may or can be made, and that the said J. O.
and T. P. do still refuse to pay the respective Sums upon them
assessed: We therefore herewithal do send you the Bodies of the
said J. O. and T. P. commanding you to receive them into Cu-
stody, and that they remain in Gaol without Bail or Mainprize,
until they pay the said Sums respectively. Given under our
Hands and Seals, &c.

But if any one thinks himself grieved by a Tax, he may
appeal to the Sessions, whose Determination is final.

Sometimes the Sessions refer the Matter back again to the
two Justices, to examine the Equality of the Taxes, and then
those Justices may confirm it, if they see Cause.

10 Annæ, c. 20. Many People being poor by Losses and other Misfortunes,
and not able to make present Satisfaction to their Creditors; a
Law

Law was made, That if a poor Man was in Prison on the 7th of *December* 1711, and so continue, he may petition a Justice, &c. who by *Warrant* may require the Gaoler to bring the Prisoner to the Quarter-Sessions, to be held next after forty Days from the Date of the *Warrant*, together with a Copy of the Cause of his Commitment, and there (*viz.* in the Sessions) the Prisoner shall subscribe and deliver a Schedule of his whole Estate, and the Names of his Creditors, and the several Sums of Money due to them, and then make * *Oath*, * Which see in Tit. Oaths. &c.

The Schedule thus described in open Sessions must remain with the Clerk of the Peace for the better Information of the Creditors.

The Justice of Peace, who grants the said *Warrant*, must give Notice in Writing, under his Hand and Seal, to all the Creditors that the Prisoner hath petitioned, &c. to be discharged; which Notice must be left with the Creditor, his Executors, Attorney or Agent, or at the Dwelling-house of him, at whose Suit he is imprisoned; and Notice thereof shall be given in the *Gazette* thirty Days before the Quarter-Sessions; and if proved on Oath at Sessions, that both such Notices were given, and that the Prisoner was actually so on the 7th of *December*, and continued so to the Time of the Sessions; and if that Oath of the Prisoner is not disproved on Oath, then the Sessions may by *Warrant* to the Gaoler discharge the Prisoner without Fee.

Prisoners thus discharged shall not afterwards be imprisoned by Reason of any Debt contracted before the seventh of *December*; but if arrested, the Judge of that Court, out of which the Process issued, may release him, shewing the Judge a Duplicate of his Discharge, and giving a *Warrant* of Attorney to appear and plead to the Action.

Gaoler refusing or delaying to bring the Prisoner to Sessions, or detaining him after discharged, forfeits 10 *l.* to the Prisoner, with treble Costs, to be recovered in the Courts of *Westminster*.

Any Person guilty of Perjury in these Matters; and being convicted, shall, over and above the Penalties now in Force against Perjury, be sent to the House of Correction for twelve Months without Bail, and there kept to hard Labour.

If any Action is brought against the Justice or Gaoler, he may plead the general Issue, and give the Act in Evidence; and if he recover, shall have treble Costs.

This Discharge shall not acquit the Person from the Debt, and no Person shall have the Benefit of the Act, who owes more than 50 *l.* Principal and Interest to any one Person.

See the Act at large. See 6 *Geo. c. 22.*

Confirmation of a Rate upon a Reference from Sessions to two Justices.

WE, whose Names are here subscribed, two of his Majesty's Justices of the Peace for the County aforesaid, and both of the Quorum, being appointed at a several Quarter-Sessions of the Peace held at L. for the East Part of this County on the ninth Day of July, &c. to hear and examine the Differences between the Overseers of the Poor and the Inhabitants of the Parish of H. alledging, That they are over-rated to the Relief of their Poor; having examined the several Matters and Allegations relating to the same, we do find that the Rate, of which Complaint is made, is the same as hath been usually made there for several Years last past; and therefore we do confirm the same. Given under our Hands and Seals, &c.

Account of
Overseers.

These Overseers must within four Days after the End of their Year, and after other Overseers are nominated, give up their Accounts before two Justices in these Particulars

1. What Money they have received, or what is assessed, and not received.
2. What Stock either they or the Poor have in their Hands.
3. What Apprentices they have put out.
4. What Poor they have relieved.

If they refuse to account, two Justices may commit them to Gaol, there to remain without Bail till they account, and pay the Money in their Hands to succeeding Overseers.

If they make a false Account, they may be bound over to Sessions, and there indicted.

If they refuse to deliver over what remains in their Hands, two Justices, by Warrant directed to succeeding Officers, may appoint them to levy it by Distress, &c. and if that cannot be taken, then they may commit them, *ut prius*.

2 Salk. 485.

Three Justices took the Account of the Overseers of — for the Year 1697, and adjudged by them that there was 69*l.* 8*s.* 10*d.* due to the Parish, and they made an Order for the Payment thereof to the succeeding Overseers for the Year 1698. It was objected that the Justices had not Power to make such an Order, but only to grant Warrants to distrain on the last Overseers; but adjudged that it was a good Order, and it was confirmed.

An

An Overseer accounted before two Justices, and his Account was allowed; the Parish appealed to the Sessions, and there his Account was disallowed, and he was ordered to pay so much to the new Overseers, which they adjudged to be in his Hands; which he not doing they committed him; but this Order was quashed, and the Person was discharged from the Commitment, because the Sessions should have ordered the Money to be levied by Distress, in the same Manner as the Justices should do; and upon Return of their Warrant, that no Distress was to be had, then to commit.

An Overseer laid out his own Money to relieve the Poor, and before the End of the Year the Justices turned him out, and thereupon he got a *Mandamus* to the Successors to make a Rate to reimburse him; but it was set aside, because B. R. cannot order Overseers to make a Rate to reimburse another, but only to raise Money for the Relief of the Poor; there should be a Rate made every Month, which if the Justices will not allow, then a *Mandamus* is proper.

Mandamus to the Justices, &c. on the Statute 43 Eliz. to compel the old Overseers to account with the Successors, quashed, because by the Statute the Account is to be given to the two Justices, and not to the succeeding Overseers; besides two of the Persons named in the Writ, and who are to account, do not appear to be Overseers.

The Overseers of the Poor of P. made a Rate for the Poor, and taxed the Inhabitants of certain Hamlets in P. and de- fired the Justices of Peace in Soake (in which Liberty all the Hamlets were) to sign the Rate; which they refusing, because they apprehended (Soake being exempted from the County) two Justices of the County would not be sufficient; and these Justices of the Liberty of Soake would not sign it, unless the Overseers would leave out the Hamlets; a Rule was made to shew Cause why they refused to sign it; and no good Cause being shewn, a peremptory Rule was made; and if they refused, then an Attachment.

Mandamus to the Justices of Peace, and to the Overseers of the Poor of S. to give an Account of Money by them received for the Relief of the Poor; the Return was, that they had given an Account of the Money, and that they had disposed of several Sums in such a particular Manner, setting it forth: Adjudged that this *Mandamus* was ill, because it was not suggested that the ordinary Remedies could not be had.

Mandamus to the Justices to appoint Overseers of the Poor in the Town of Rufford; they return that Rufford is an extra-parochial Place; and therefore they are not to provide for their Poor.

It was objected against this Return, that admitting it to be extraparochial, yet the Justices are obliged by the Statute 43 Eliz. cap. 2. to appoint Overseers of the Poor, even in such Places, because in the enacting Part the Words are general, and extend to the Places, (*viz.*) *The Church-wardens of every Parish, and two or more Householders there to be nominated, &c. by the Justices, shall be called Overseers, &c.*

And the Court was of Opinion that Places extraparochial are within the Words of the Statute; for by the general Words the Justices have Power to name Overseers in all Parishes which must extend to extraparochial Places as well as to Parishes in general; for where there is the same Inconvenience, it should be subject to the Control of the Justices, and most of the Forests in England are extraparochial: but they ought to maintain their own Poor.

5. Mod. 179.

The Defendants were indicted at the Sessions, for that they being chosen Overseers, &c. and having taken upon them the Office, they did collect and receive several Sums for the Relief of the Poor, and did refuse to account within four Days after the End of the Years, &c. it was objected that this Indictment would not lie, because this was an Offence created by Act of Parliament, and the Punishment being directed by the Statute, (*viz.*) that the Offender shall be committed by two Justices, there to remain without Bail, that Remedy must be pursued; 'tis true, that is a proper Remedy to come at the Right, but the *not Accounting* was a Contempt of the Law, for which an Indictment will lie.

Mod. Cases.
77.

An Order was made by two Justices, that *W. R.* should take upon him the Office of Overseer of the Poor; it was objected that it was ill, because it did not appear that *W. R.* was an *House-keeper* or an *Inhabitant* of that Parish, and the Court will not intend him to be one; and no Man can be Overseer for Part of a Parish.

A Warrant to make the Overseers account.

To the Constable, &c.

Suffex, to **T**Hese are in his Majesty's Name to command wit, you, that you forthwith give Notice to the Church-wardens and Overseers of the Poor of the Parish of H. in the County aforesaid, for the Year last past, personally to appear before us at, &c. on, &c. to give us a true and perfect Account in Writing of Things by them done relating to their said respective Offices; and you are hereby required to signify unto them, that they do then and there certify unto us the Name of such other Inhabitants within your said Parish,

as are thought fit to be Overseers of the Poor for the Year ensuing.

This last Clause may be left out where other Overseers are appointed.

A Warrant to levy the Arrears in the Hands of former Overseers.

To the Church-wardens and Overseers of the Poor of the Parish of H. &c.

Surrey, to **W** Hereas it appeareth unto us upon your Complaint, That J. O. and T. P. Church-wardens, &c. and R. N. and W. V. Overseers of the Poor of the said Parish for the Year last past, were in Arrear to the said Parish in the Sum of 5 l. for Monies by them collected, received, and not disbursed in the Execution of their Office, and have not yet paid the same to you: These are therefore to command you, that you or some of you do levy the said 5 l. by Distress of the Goods of, &c. rendring to them respectively the Overplus; and in Default of such Distress, that then you forthwith certify us of the same. Given under our Hands and Seals, &c.

A Warrant to levy 4 l. on an Overseer for neglecting to meet monthly.

To the Church-wardens and Overseers of the Poor, &c.

Sussex, to **W** Hereas it hath been duly proved before us, Two Justices of the Peace, That J. O. one of the Overseers of the Parish of H. in the said County for the Year last past, did for the Space of four Months within the said Year, absent himself from monthly Meetings without any just Excuse, contrary to the Duty of his said Office, and to the Statute in that Case made and provided: These are therefore in his Majesty's Name to command you to levy four Pounds by Distress and Sale of the Goods of the said J. O. so much being forfeited by him by reason of his Absence as aforesaid, and that you employ and dispose the said Sum to the Use of the Poor of the said Parish, and such other Uses as by the said Statute is appointed. Given under our Hands and Seals, &c.

A War-

A Warrant to Overseers to pay what is in Arrear to a poor Person, and to continue to relieve.

To the Church-wardens and Overseers of the Poor, &c.

Surrey, to **W** Hereas Complaint has been made unto me, by wit, E. N. of your Parish, Widow, that the former Overseers of the Poor of the said Parish did pay unto the said E. N. the Sum of 1 s. 8 d. per Week, for and towards the Relief of her self and Children; and that you do refuse to pay the said weekly Allowance unto her, so that she is utterly disabled to make any Provision for her self and her Children: These are therefore to require you, upon Sight hereof, to pay unto the said E. N. all such Arrears as are become due since you have forborn to pay the same; and that you continue unto her the former Allowance of 1 s. 8 d. per Week, or forthwith shew Cause why you do refuse so to do. Given under my Hand, &c.

A Warrant commanding the Overseers to relieve a poor Person.

To the Church-wardens and Overseers of the Poor, &c.

Suffex, to **W** Hereas Complaint hath been made unto me, wit, That R. W. of your Parish, Labourer, is very poor and impotent, and utterly disabled to provide for himself and Children, so that they are likely to perish for Want of Relief: These are therefore, &c. that forthwith you do relieve the said R. W. and his Children; and that you make such an Allowance weekly, as may be convenient, for and towards the Support of himself and Children, or forthwith shew Cause why you refuse so to do.

Patents bound to relieve Children. 2 Bulst. 355.

And of Children settled with their Parents.

Grandfather and Grandmother, Father and Mother, if of Ability, are bound to relieve their Children as the Sessions shall think fit, under Penalty of 20 s. per Month. 39 Eliz. c. 3.

The Husband of the Grandmother is a Parent within the Meaning of the Act, especially if she was of Ability, at the Time of Marriage, or if she had an Estate afterwards; and he shall be charged during her Life; otherwise if she had no Estate.

The same Law for a Father-in-Law. *Style 283.*

An Order to pay 2 s. by the Week towards the *Relief* of his Father, till the Court should order the contrary; this is good, because if the Order had been indefinite, or for a certain Time, an Estate might have fallen to him within that Time.

Adjudged that till the Child is eight Years old, its Settlement must follow that of the Parent; but that afterwards the Child may acquire a Settlement elsewhere; and if removed from the Place where the Parents were settled, it must appear in the Order, that it hath gained a Settlement elsewhere.

Order to send an *Idiot* to the Place where his Father was last legally settled; this is good, and not like a *Bastard* who is to be maintained by the Parish where born, because he is *nullius filius* (no Person's Son); so that the *Idiot* hath a Father, but the *Bastard* none, in Law.

A Child was born in the Parish of C. and whilst it was under seven Years old, the Father removed to M. and gained a Settlement there: Adjudged that the Child had a Settlement there; so if the Father is settled in a Parish and dies, and afterwards the Mother dies in Childbed, the Child must be settled there.

The Husband was born in the Parish of St. Giles in Reading, where his Wife had likewise a Settlement before she married, but the Husband was bound Apprentice in the Parish of *Everley*, where he served two Years; then his Master broke, and the Apprentice came back to Reading and married there, and had several Children and died; and afterwards his Widow and Children were by Order of two Justices removed to *Everley*, which Order was quashed on an Appeal, and an Order made to send them to the Parish of St. Giles; because the Mother had a Settlement there before she married; and now both the said Orders being removed into B. R. by *Certiorari*, the original Order of the two Justices was confirmed, (*viz.*) That the Widow and the Children should be settled where the Husband and their Father were settled, and that his Death made no Alteration in the Case; and though the Wife had another Settlement before she married, yet that was lost by her Marriage. *Trin. 9 Geo.*

One Rice was settled six Years in the Parish of St. N. and clandestinely came into the Parish of St. H. in Abingdon, and there lived without giving any Notice to the Parish Officers, he was afterwards removed by an Order to the Parish of St. N. which Order was confirmed upon an Appeal; and this Sessions Order being removed by *Certiorari*, the Question was, Whether he having lived in this last Parish several Years, Notice might not be presumed, and every Thing else to gain a Settlement; and adjudged that it should not, because it appears by the Order, that he clandestinely removed himself thither, and might continue there clandestinely. †

R. F.

2 Salk. 476.

R. F. was born in — and served 7 Years Apprentice there ending in 1693, and afterwards he went to the Parish of S. and rented a Chamber and a Shop of the Blacksmith's Widow, at 52 s. per Annum, with the Consent of the Bailiff of the Lord of the Manor, and was imployed by the Parishioners to shoe their Horses, but gave no Notice in Writing, nor rented a Tenement of 10 l. per Annum, nor served any publick yearly Office; the Question was, Whether this publick Manner of Living did amount to a giving Notice in Writing, within the Meaning of the Statute 1 Jac. 2. and 3 & 4 Will. &c. and adjudged that it did not, for though it might satisfy the first Statute, it did not the last, because nothing shall amount to a Notice in Writing, but what is therein particularly mentioned.

5 Mod. 454.

The Banes of Matrimony were published between a poor Man and a Woman in the Parish of H. in the Church there, and for that Reason he was by an Order of two Justices sent thither, but it was quashed, because this is not such Notice as is required by the Statute 3 & 4 Will. which being an Explanatory Act, shall not be construed according to Equity.

But there are some Exceptions out of this last Act, (viz.)

8 & 5 Will.

1. *If a Man on his own Account execute any publick yearly Office, or Charge for a Year.*
2. *If he pay any Share, or Taxes, or Levies of the Parish, but not Taxes to the King, for that is due and must be paid by reason of Residence.*
3. *If an unmarried Person, not having Child, shall be hired for a Year, such Service, (i. e.) not the forty Days, but his Continuing in the Service for a Year, shall be a Settlement.*
4. *Being bound an Apprentice, and inhabiting in a Town.*

Executing any
publick Office.
2 Salk. 536.

(1.) *As to the first of these Exceptions, this Case happened; a poor Man was appointed to be a Parish Clerk, and he executed that Office for a Year: Adjudged this made a Settlement, and it is not material whether he came in by the Appointment of the Parson, or by the Election of the Parishioners; for he is in for Life, and this is executing an annual Office and Charge within the Meaning of the Statute 3 & 4 Will.*

Of paying
Taxes or Le-
vies of the
Parish.
2 Salk. 478.

(2.) *One Facy was settled at H. and afterwards went into the Parish of M. where he rented an House at 7 l. per Annum, and there he lived a Year, and paid the Rates and Taxes due for that House, which were not charged on his Person, but on the House: Adjudged that this Payment of the Parish Taxes made a Settlement,*

Upon an Order of Removal of a poor Man confirmed on an Appeal, and removed by *Certiorari*, the Case was, (*viz.*) he lived last at *B.* at a Place call'd *Roscoe's Tenement*, and paid Taxes by the Name of the *Occupier* of that Tenement; where-
 as he ought to be personally charged, and not as an *Occupier* of the Tenement; but it was held, that paying Taxes as *Occupier* of a Tenement, and naming him Farmer thereof, is a sufficient Designation of the Person. Easter 1721 B. R.

No Person after 25 March 1723, who shall be taxed to the Scavenger or Repairs of the Highways, and shall duly pay the same, shall be deemed to have any legal Settlement by Reason of such Payment. 9 G. c. 7. See before, and after 68, 69.

Nor shall any Person have a Settlement by Purchase of an Estate of Inheritance in a Parish where the Consideration Money was not above 30 *l.* for any longer Time than the Purchaser shall inhabit on such Estate, and shall then be liable to be removed to such Parish where he was last legally settled before the Purchase made.

T. P. a poor Man came into the Parish and Town of *B.* where he rented an House at 3 *l. per Annum*, but agreed with his Landlord *not to pay any Taxes*; the Apartment which he rented was distinct from the House, but taxed as a House, and assessed on the Landlord; and whilst he lived there, he was made Free of the Corporation, and voted at the next Election of Bailiffs as a Freeman: Adjudged that since the explanatory Act 3 & 4 *Will.* nothing makes a Settlement that is not within the Words of the Exceptions; it is true, coming into a Parish, and being taxed, makes a good Settlement without Notice to satisfy the Act 2 *Jac.* 2. but the subsequent explanatory Act implies a Negative to any Thing else, and Voting relates to the Corporate Body, and not to the Parish. 2 Salk. 534.

Adjudged that where a Man is *taxed* to the Parish-Rates, and stays in the Parish forty Days after such Taxation, and without giving Notice, this is no Settlement within the Statute 3 & 4 *Will.* unless *he pays*, for *Taxing* alone is not equivalent to Notice, but *Taxing and Paying* is. 2 Salk. 523.

One *Jerrison* was Servant to Sir *P. J.* at *W.* who put him out to a Barber at *C.* to learn to Shave, for which the Barber was to have 5 *l.* of Sir *P.* the Master; the Servant continued at *C.* for a Year, according to *Covenants* made between Sir *P.* and the Barber, and to which *Jerrison* the Servant was no Party: Adjudged that this did not make a Settlement at *C.* because there was no Service there by *hiring*, but he was there rather as a Boarder for his Education. Of Hiring and Service. 2 Salk. 478.

A Servant was hired for a Year in *S.* and served Half a Year, and then was married to a Woman in *W.* Adjudged that this Hiring was not determined by the Marriage, at the Complaint of the Church-wardens or Overseers, though it
 Vol. II. F might

might upon the Complaint of the Master; for if he will suffer a Servant to continue a Year in his Service (thus Married), that will make a Settlement; it is true, the Statute is, that where *any unmarried Person* is hired for a Year, *such Service* shall make a Settlement; now the Words *such Service* shall relate to a Service where the Hiring is for a Year, and not to a Service where the Party is unmarried all the Year, because the Contract continues, and the Marriage is no Hindrance of the Service of a *Man*; for if he marries a Woman in the same Parish, that shall gain a Settlement.

8 & 9 W. c. 30. Adjudged that the Statute 8 & 9 Will. c. 30. by which it is enacted, that an unmarried Person hired for a Year, shall not be settled unless he serves that Year, shall have no Retrospect, but shall extend only to such Cases which may happen of this Nature after that Statute.

2 Salk. 535.
Where a Servant is hired in one Parish and serves in another, his Settlement shall be in the Parish where he served.

Pofch. 1722.
3 & 4 W.
8 & 9 W.

A Servant was hired to live at *R.* for Half a Year, and after that was ended he was hired again by the same Master for another Half Year, and in the same Parish, and so continued in the same Service for a whole Year, but upon two Contracts: Adjudged no Settlement, for it ought to be a Service for a whole Year upon one Agreement, because the Statute requires that the Contract should be intire as well as the Service; for by the Statute 5 Eliz. the Retainer was to be for a Year, and the Statute 14 Car. 2. requires forty Days Continuance in a Parish, and the later Statutes do but turn the forty Days into a Year's Service, and the Hiring to be a Retainer for a Year, it being supposed that no Master would hire a Servant for such a Term, unless he was of able Body, and not likely to be chargeable within that Time; but if a Service under several Contracts should gain a Settlement, then a Man may hire for a Month; and one who serves by the Week, or by the Day, if he continue in Service for a Year, will gain a Settlement, and thus the Statutes will be eluded.

A Servant was hired for a Year in *Christ-Church* in *Oxford*, and afterwards lived with her Mistress three Months of that Year in the Parish of *Fawley* in *Berks*, where her Mistress was a Visitor, and she served the remaining Part of the Year in *Christ-Church* where she was hired, that being an extraparochial Place, and becoming poor she went into the Parish of *St. Peter* in *Oxford*; from whence she was removed by an Order to *Fawley*, which Order was quashed upon an Appeal, the Sessions being of Opinion that her Settlement was in *Christ-Church*, where her Service determined; against which it was objected, that she could have no Settlement there, because it was an extraparochial Place, it being neither a Town or Parish, and by Consequence could have no Parish-Officers, and therefore not within any of the Statutes relating to the Settlement of the Poor, for those Statutes require that the Hiring should be in some Town or Parish where there are proper

proper Officers to take care that it should not be fraudulent to charge the Parish; and she could have no Settlement in *Fawley*, because her Mistress was there as a Visitor.

As to both these Points the Court declared, That where a Servant continues forty Days in the Service of a Visitor, as well as of a Lodger, he gained a Settlement, for he could not be removed unless the Parish shew some Cause, (*viz.*) that she was brought thither on purpose to have a Settlement; and as to the Objection, that the Statute requires the Hiring should be in a Town or Parish, and that this Servant was hired in neither, but in an extraparochial Place, she may properly be said to be hired in every Parish where she serves. *Pasch. B. R. 1722.*

W. R. was bound Apprentice for four Years to *R. R.* and served out his Time in the Parish of *B.* but his said Master *R. R.* was only a Lodger, and no Settlement in the Parish of *B.* because his Settlement doth not depend on his Master, but he hath gained a Settlement for himself within the Statute 14 *Car. 2.* by dwelling in the Parish of *B.* forty Days, the Case is the same of an hired Servant, though his Master had no Settlement in the Parish.

A poor Boy being bound Apprentice in *L.* his Master assigned him to *W. R.* who lived in *N.* another Parish: Adjudged that he gained a Settlement where his second Master lived, for tho' an Apprentice is not assignable, yet the Assignment is not void, but shall amount to a Contract between the Masters, that the Apprentice shall serve the last Master, and it is good by Way of Covenant, though not to pass an Interest.

Being bound
Apprentice.
2 Salk. 533.

Trin. 9 Geo. Modern Cases 190.

The Son was bound Apprentice to his Father, who was a poor Man, and afterwards he gave up the Indenture of Apprenticeship, and the Son hired himself into another Parish for a Year, and served out the whole Year, but the Indentures were not cancelled; and thereupon an Order was made to send him to the Parish where he was an Apprentice, for he still continued so, because the Indentures were not cancelled.

An Appeal lies to the next Sessions of the Peace from which the Party was removed.

And by the Statute 8 & 9 *W.* giving Notice to a proper Officer to Appeal, and not prosecuting the same, or if he prosecute it, the Sessions may order Costs from whom the Appeal is determined, or to whom Notice was given, to be paid by the Overseers of the Poor, or other Person against whom it was determined, or by the Person who gave the Notice.

And if he live out of the Jurisdiction of the Court in which the Appeal is determined, one Justice where the Person liveth,

upon Request to him made, and upon producing a true Copy of the Order, moved by one or more Witnesses on Oath, shall by Warrant cause the Money mentioned in the Order to be levied by Distress, or committed for twenty Days.

9 G. c. 7.

* See the Form of this Notice and other Precedents on this Stat. post.

An Appeal from a Removal of a poor Person from one Parish to another, shall not be proceeded on unless reasonable Notice be given by the Parish-Officers who make the Appeal to the Parish-Officers from whence such poor Person shall be removed, the Reasonableness of which Notice shall be determined by the Justices in the Quarter-Sessions, to which the Appeal is made; and if it shall appear that reasonable Notice was not given, then they shall adjourn the Appeal to the next Quarter-Sessions, and there finally determine it.

If upon an Appeal concerning any Settlement the Sessions shall determine in Favour of the Appellant, that the poor Person was unduly removed, then they shall award the Appellant so much Money as shall appear to have been reasonably paid by the Parish on whose Behalf such Appeal was made, for the Relief of such poor Person, between the Time of such undue Removal and the Determination of the Appeal.

2 Salk. 481.

Order to remove a poor Woman from *T.* in *Worcestershire*, to *S.* in *Warwickshire*, afterwards two Justices in *Warwickshire* made an Order to remove her to a third Parish, (*wiz.*) to *N.* in *Worcestershire*, and the two Justices of that County sent her back again by an Order to *S.* in *Warwickshire*; and upon an Appeal to the Sessions, the Settlement was confirmed at *N.* the third Parish, and then an Order was made by two Justices to execute the Sessions Order; all which Orders being removed by *Certiorari*, the Court quashed all but the first, because that is binding until repealed, which must be by an Appeal to the Sessions; now the first Order to send her from *T.* to *S.* was never repealed, for when she came to *S.* they sent her to *N.* a third Parish, by another Order, which shall never be taken to be an original Order, but since *N.* had appealed to the Sessions, and had there been concluded, the Court would not quash the Sessions Order.

2 Salk. 488.

Order to remove a poor Man from *B.* to *C.* which was done, and then *C.* got an Order to remove him from thence to *F.* a third Parish, and these Orders being returned by *Certiorari*, it was adjudged that *C.* should have got the original Order repealed; for otherwise the Sending him by an Order to *F.* was a Falsifying the original Order, which cannot be done but by Appeal; for the Order of two Justices is a Determination of the Right till it is repealed; therefore the Parish of *C.* should have appealed and got the original Order discharged, and then the poor Man must be returned to *B.* from whence he was at first removed, and that Parish must send him to *F.* the third Parish.

Order

Order by two Justices to remove a poor Man to S. which 2 Salk. 486, 492.
 Order was confirmed upon an Appeal, then S. sends him by another Order to the Parish of *Swancomb*, but this last Order being removed by *Certiorari* was quashed, because the first Order being confirmed upon an Appeal is conclusive and binding against all other Parishes, and none can say that S. was not the last Place of his lawful Settlement; it is true, if the first Order had been discharged upon the Appeal, or if there had been no Appeal, then the Matter is at large as to all Parishes, but only as to the contending Parishes, (*i. e.*) other than to the Parish to which the poor Man was sent, for he shall never be sent thither again, because by the Reversal of the Order, the Sessions did determine that was not the last Place of his Settlement, so that an Order reversed upon an Appeal is final only as to the contending Parishes; but an Order confirmed upon an Appeal is conclusive to all Parishes.

Adjusted, that if the first Order is ill, no subsequent Order 2 Salk. 482.
 upon an Appeal can make it good, and for that Reason in this Case, both Orders were quashed.

The Parish-Officers, with the Consent of the major Part of the Parishioners in Vestry, or other publick Meeting assembled, may purchase or hire any Houses in the same Parish, and contract with Persons for the lodging, maintaining, and employing all such Poor as shall desire to receive Relief; and there keep and employ them, and receive the Benefit of their Work and Labour for their better Maintenance and Relief: And if any poor Person shall refuse to be lodged or maintained in such House, he shall be put out of the Books where the Names of Persons who ought to receive Collection are to be registred, and shall have no Relief from the Parish Officers. Of providing Work-houses for the Poor. 29 Geo. c. 7.

Where a Parish shall be too small to purchase or hire such an House for the Poor of their own Parish only, Two or more such Parishes, with the like Consent as above, and with the Approbation of a Justice of Peace dwelling in or near such Parish, may unite under his Hand and Seal in purchasing or hiring such House; and if any Poor of the Parishes uniting shall refuse to be lodged there, &c. he shall be put out of the Collection-Book. See before pag. 52, and 64. more of this Stat.

The Parish Officers, with the like Consent, may contract with any other Parish Officers for lodging, maintaining and employing any poor Persons of another Parish, and if they refuse, shall be put out of the Collection-Book.

Order to remove a poor Man from the Parish of *St. George* to the Parish of *St. Olave*, where he was last legally settled, which Order was confirmed upon an Appeal, and both Orders being removed by *Certiorari* were quashed, because the original Order was directed to the Church-wardens of the Parish of *St. Olave*, that being the Parish to which he was removed,

and the Justices cannot command them to remove him to themselves.

All Appeals must be determined at the Sessions in that County or Place wherein the Parish doth lie, *from whence the Poor Man is removed*, and not elsewhere.

If upon an Appeal, the first Order of Settlement is quashed, and the Person ordered to be sent to the Parish from whence he was removed, this is ill, because the Sessions have Power only to quash or confirm the Original Order; but because an Order may be good in Part, and void in Part, therefore this Order was quashed for that Part, by which the poor Person was to be removed, and was confirmed as to the other Part.

2 Salk. 477.

An Order of Removal was *confirmed upon an Appeal*, and the next Sessions after, there was an Order of a *Review* made, and the Sessions Order was quashed, because obtained by Surprise; but adjudged, that the *Order of Review* shall be quashed, because after the first Sessions, when the Original Order was made, the Sessions have no farther Authority.

Order of Removal was quashed at the Sessions, but because it did not appear that it came before them by *Appeal*, the Sessions Order was quashed, for they have not Jurisdiction but upon an Appeal.

2 Salk. 605.

The next Sessions, after an Order made, and an Appeal brought, adjourned the Appeal to the next Sessions following, and then they made an Order; and upon a Motion to quash it, for that the Appeal ought to be determined the very next Sessions, and not at an adjourned Sessions, it was adjudged that the Appeal must be lodged at the next Sessions, but may be determined at an adjourned Sessions.

Orders quash'd
for Want of
Adjudication.
Mod. Cases 163.

The Order was, Whereas Complaint hath been made unto us *T. P.* and *R. B.* &c. by the Church-wardens, &c. that *W. R.* came lately to settle in the Parish of *W.* contrary to Law, we therefore do order you to remove him from the said Parish of *W.* to, &c. quash'd for Want of an *Adjudication*, and it is not said that he is *likely to become chargeable*, &c.

2 Salk. 473.

The Order was thus, *viz.* Whereas the Parish of *B.* is (*as we are credibly informed*) the Place of the last legal Settlement of, &c. quashed; for 'tis no Judgment that it was the last Place of his Settlement, and the Statute requires that the poor Person shall be sent to the Place where he was last legally settled.

2 Salk. 478.

The Order was, Whereas Complaint hath been made unto us, &c. that *E. F.* is lately come into the Parish of *St. G.* and is likely to be chargeable to the same; and whereas on Oath made by the said *E. F.* it appears that her Husband was last legally settled in the Parish of *H.* These are therefore, &c. Quashed, because there was no *Adjudication* of the last Place of Settlement, but only that *H.* appeared to be so upon the Oath of the Woman.

The

The Order was, Whereas Complaint hath been made unto us, &c. that *E. D.* with his Wife and Children came from the Place of his Abode and *last legal Settlement* in *B.* to the Parish of *A.* Quash'd, because there was no Adjudication that *B.* was the last Place of his lawful Settlement. 2 Salk. 479.

An order was quash'd, because it did not appear that one of the Justices was of the *Quorum*; for this being a special Authority given to the Justices to remove a poor Person, it must be pursued. Orders quash'd for Misnaming the Justices. 2 Salk. 471, 481.

An Order to remove a poor Person was quash'd, because it did not appear that the two Justices were of *that County*, but only residing in the County. 2 Salk. 474.

An Order was made by two Justices to remove a poor Man from the Parish of *W.* to the Parish of *C.* which Order was confirmed upon an Appeal, but being removed into *B. R.* both Orders were quash'd, because it did not appear that the original Order was made by *two Justices of Peace*; it was only, Whereas Complaint hath been made unto us, not reciting their Authority as *Justices*. 5 Mod. 322.

Order made to remove two Men and *their Families* from *W.* to *R.* Quash'd, because *too general*; for some of their *Families* might not be removable by Law; as for Instance, A Man settled in *B.* marries a poor Woman settled in *W.* who had Children by a former Husband, the Wife must be settled with her second Husband, but the Children of the first Husband *above seven Years* old are not removable; 'tis true, those under that Age must go with their Mother, but still 'tis but as Nurse-Children, for they must be kept at the Charge of the Parish where their Mother was settled before her second Marriage. Orders quash'd for Incertainty and other Faults. 2 Salk. 585.

A poor Infant was left in *Christ-Church Hospital*, and upon Complaint of the Wardens of the *Hospital* two Justices made an Order that the Overseers of the Poor of that Parish should receive and maintain it; Quash'd, because it is not set forth that *the Parents were not known*, or that the Child was *likely to be chargeable* to the Parish. 2 Salk. 485.

Order to remove a poor Man with his *Wife and Children* from *W.* to *S.* Quash'd, because *Wife and Children* was *too general and uncertain*, for some of the *Children* might not be removable, besides this Order was, *to wit*, Whereas it appears upon Examination before us, *or one of us*, which is ill, because the Examination ought to be *before two Justices*. 2 Salk. 488.

Order to remove a poor Man from the Parish of *W.* to the Parish of *P.* &c. it was objected, that this Order was naught, because it was upon Complaint to us made, &c. without saying, *Upon the Complaint of the Church-wardens and Overseers of the Poor*; for a Man cannot be disturbed but by those who have Authority to do it, and tho' it appeared to be by the *Church-wardens*, &c. upon the Return of the *Certiorari*, yet 2 Salk. 492.

yet that will not cure this Fault in the Order it self, wherein the Complaint was only *ex Officio*. Quash'd.

2 Salk. 486.

Orders have been quash'd for sending a poor Man to an *Extraparochial* Place, for that the Justices have no Authority to send to or from such Places; but by the later Judgment it is otherwise; for 'tis now ruled, that by Virtue of the Statute 13 & 14 Car. 2. c. 12. the Justices may exercise the Powers given them by the Statute 43 Eliz. and by that Act all *Extraparochial Places* (where there are more Houses than one, so that it may come under the Denomination of a Vill,) may be taxed in Aid of a Parish; therefore 'tis reasonable that a Parish should aid an *Extraparochial Place*.

Settlements.

By 12 A. c. 13.
made perpetual.

By the Statute of 13 & 14 Car. 2. c. 12. upon Complaint by the Church-wardens and Overseers of the Poor to any Justice, within forty Days after a poor Person came to settle in a Tenement under 10 l. two Justices might remove him to the Place where last settled for forty Days.

Anno 1685.

This Statute did not prevent clandestine coming into Parishes, for People would conceal themselves for forty Days, which made a Settlement; and therefore by another Statute, 1 Jac. 2. c. 17. the forty Days were to be accounted from the Time of the *Delivery of Notice in Writing* to one of the Church-wardens or Overseers, and this must be of the House of his Abode, and the Number of his Family, if any.

Anno 1692.

But this Act was not a sufficient Remedy against such Settlements; and therefore by 3 & 4 Will. & Mar. the forty Days Continuance is to be accounted from the Time of *Publication of Notice in Writing*, of the House of Abode, and Number of his Family.

This is to be read in the Church by the Overseer or Church-warden next Lord's Day after Divine Service, who neglecting to read forfeits to the Party grieved 40 s. Neglecting to register such Notice forfeits the like Sum, to be levied by Distress, &c. and for Want of Distress, may be committed for a Month without Bail.

Proof must be before one Justice by two Witnesses upon Oath.

Who are to be
relieved and to
be received.

None are to be relieved, whose Names are not registred in a Parish-Book kept for that Purpose, unless by Authority under the Hand and Seal of a Justice of the Parish; or if none there, by a Justice in the Parts adjoining, or by Order of Sessions.

But in Cases of pestilential Diseases, viz. Plague or Small-Pox, in respect of their Families only, they are excepted, 3 & 4 W. & M. c. 11.

8 & 9 W. c. 30.

He and his Wife and Children cohabiting in the same House must have, on the uppermost Garment, and upon the Shoulder of the Right Sleeve, a large Roman P. and the first Letter of his Parish; or otherwise, one Justice, &c. upon Com-

Complaint, may cause his Allowance to be abridged or suspended, or may commit Offenders to the House of Correction, not exceeding twenty-one Days.

Officers relieving such who do not wear the Badge, forfeit 20 s. for every Offence; one Moiety to the Informer, the other to the Poor.

Proof is to be before one Justice, upon Oath of one Witness; Forfeiture is to be levied by Warrant of one Justice.

Church-wardens and Overseers refusing to receive one sent by an Order of two Justices, forfeit 5 l. to the Use of the Poor of the Parish from whence the Person is removed.

The Proof must be by two Witnesses on Oath before one Justice of the County to which the Removal was made.

The Forfeiture must be levied by Distress, by Warrant of one Justice of the County to which he is removed, directed to the Constable where the Offender liveth, and for Want thereof may be committed for forty Days.

May appeal to the next Sessions of the County from whence he is removed.

It sometimes happens that Children are left by their Parents 1 Geo. c. 8. to the Charge of the Parish, who have something there to support them; therefore it was enacted, that the Church-wardens or Overseers where any Wife, Child or Children are left by the Husband or Parents on the Charge of the Parish where they were born, or last legally settled, upon Application to any two Justices, and by their Warrant to seize so much of the Goods and Chattels, and to receive so much of the annual Rents and Profits of the Lands of the Husband, Father or Mother, as the said Justices shall direct for the Discharge of the Parish where such Wife, Child or Children are left, which Warrant or Order being confirmed at the next Quarter-Sessions, the said Sessions may make an Order to dispose of such Goods by Sale as they shall think fit, and to receive so much of the Rents and the Profits of the Lands as shall be ordered by the Court.

See the Stat. 13 Geo. c. 19. For repealing Part, and making more effectual the Residue of an Act 1 Anne, for incorporating certain Persons, for the better providing for, and setting at work the Poor in the City of Gloucester.

And the Statute 1 Geo. 2. ff. 2. c. 20. for erecting a Work-house in the City of Canterbury, for employing and maintaining the Poor there, &c.

An Order of two Justices for the Removal of a Person from one Parish to another.

To the Church-wardens and Overseers of the Poor of the Parish of *F.* in the said County, and to the Church-wardens and Overseers of the Poor of the Parish of *L.* in the County of *Surrey*, and to each of them.

Suffex, to **U**pon the Complaint of the Church-wardens and wit, Overseers of the Poor of the Parish of *F.* unto us whose Names are subscribed, two of his Majesty's Justices of the Peace for the County of, &c. and one of us of the Quorum, that *A. R.* came lately to dwell in the said Parish of *F.* not having gained a legal Settlement there according to the Laws in that Case made and provided, nor produced a Certificate to them, owning to him to be settled elsewhere; and that the said *A. R.* is now chargeable to the said Parish of *F.* and likely to continue chargeable so long as he dwelleth there: We therefore upon due Proof made thereof, as well upon the Examination of the said *A. R.* on Oath, as otherwise; and likewise upon due Consideration had of the Premises, do adjudge the same to be true; and we do likewise adjudge, That the last Place of the lawful Settlement of him the said *A. R.* was in the Parish of *L.* &c. We do therefore require you to convey the said *A. R.* from *F.* to the Parish of *L.* And we do also hereby require you the said Church-wardens and Overseers of the Poor of the Parish of *L.* to receive and provide for him as an Inhabitant of your Parish. Given under our Hands and Seals, &c.

Church-wardens and Overseers refusing to receive Persons thus removed, and to provide for them, may be bound over to the Sessions, and indicted for a Contempt. 14 Car. 2. 12.

But now by Stat. 9 Geo. 1. c. 7. which see hereafter, an Appeal lies to the Quarter-Sessions from the Order of Two Justices *supra*, on giving the following Notice:

To

To the Church-wardens and Overseers
of, &c.

THIS is to inform you, and every of you, That we the Church-wardens and Overseers of the Poor of the Parish of, &c. do intend at the next Quarter-Sessions of the Peace to be holden for the County of, &c. to commence and prosecute an Appeal against you the Church-wardens and Overseers of the Poor of the Parish of, &c. aforesaid, for and concerning the unjust Removal of T. B. from your said Parish of, &c. to our Parish of, &c. of which you are to take this Notice. Witness our Hands this, &c.

A Justice's Warrant or Order to relieve a
poor Person, according to the said Stat.
9 Geo. 1. c. 7.

WHereas A. B. of the Parish of, &c. hath made Oath before me W. B. Esq; one of his Majesty's Justices of the Peace for the County of, &c. That he is very Poor and Impotent, and unable to provide for himself and Family, so that they must perish if not timely relieved: And that he the said A. B. on, &c. last, applied to the Overseers of the Poor of the said Parish, at a Vestry or publick Meeting of the Parishioners, for Relief, as the Law directs, and was by them refused to be relieved; and I having summoned the Overseers of the Poor of the said Parish to shew Cause why Relief should not be given to the said A. B. and they being heard before me, but not making any sufficient Cause appear: I do therefore hereby order and require you to pay to the said A. B. the Sum of 2 s. per Week, for and towards the Maintenance of the said A. B. and his Family, until such Time as he shall be better able to provide for the same, and you shall be otherwise ordered to forbear the said Allowance. Given, &c.

A Contract or Agreement for Lodging and
Maintenance of poor Persons, by Vir-
tue of the Stat. 9 Geo. 1. cap. 7.

WHereas in and by an Act of Parliament made and passed in the Ninth Year of the Reign of King Geo. 1. Power is given to Church-wardens and Overseers of the Poor of Pa-
rishes

riſhes to contract with Perſons for the Lodging, Maintaining and Employing of poor Perſons in their reſpective Pariſhes, on certain Conditions therein mentioned: Now in purſuance of the ſaid Statute, it is contracted and agreed this Day and Year, &c. between A. B. C. D. &c. the Church-wardens and Overſeers of the Poor of the Pariſh of, &c. and J. K. and L. M. of, &c. That they the ſaid J. K. and L. M. or one of them, ſhall and will during the Space of one Year next enſuing the Date hereof, at their or one of their own proper Coſts and Charges, in the Houſe of, &c. find, provide and allow, or cauſe to be found, &c. unto and for the ſaid N. O. P. Q. R. &c. being poor Perſons of the Pariſh of, &c. aforeſaid, ſufficient Lodging, Meat, Drink, and all other Things neceſſary for their and every of their Keeping and Maintenance, they the ſaid J. K. and L. M. being paid and allowed by the ſaid A. B. C. D. E. F. &c. the Church-wardens and Overſeers aforeſaid, the weekly Sum of, &c. during the ſaid Term, (or, they the ſaid J. K. and L. M. being allowed the Work, Labour and Service of them the ſaid N. O. &c. from Time to Time, on ſuch Work and Buſineſs as they the ſaid J. K. and L. M. ſhall think fit to employ them about;) and they the ſaid A. B. C. D. &c. do hereby for themſelves and their Succeſſors, covenant and agree well and truly to pay or cauſe to be paid to the ſaid J. K. and L. M. the ſaid weekly Sum of, &c. for the Keeping and Maintaining of the ſaid N. O. P. Q. R. &c. every Week during the Term of, &c. aforeſaid, as the ſame ſhall become due (or, that they the ſaid A. B. C. D. &c. ſhall and will permit and ſuffer the ſaid J. K. and L. M. to have and take to their proper Uſe and Benefit, the Work, Labour and Service of them the ſaid N. O. P. Q. R. &c. for their Keeping and Maintenance,) as the aforeſaid Statute directs. In Witneſs whereof the Parties to theſe Preſents have hereunto ſet their Hands and Seals this — Day of, &c.

A Warrant to apprehend a Perſon returning into a Pariſh from whence he was removed.

To the Church-wardens and Overſeers of, &c.

13 & 14 Car.
2. c. 12.
One Juſtice.

Suffex, to **W** Hereas A. R. being in Auguſt laſt lawfully
wit, ſettled in the Pariſh of L. &c. did come into
the Pariſh of F. in the County of, &c. not having given Notice
to the Church-wardens and Overſeers of the Poor of the Pariſh
of F. of the Place of her Abode, and the Number of her Family,
nor otherwiſe acquired a lawful Settlement there; and upon
Complaint made by the Officers of the ſaid Pariſh of F. that
the

the said A. R. was likely to be chargeable to their Parish, they obtained a Warrant to remove her, and accordingly did convey and remove her to the said Parish of L. since which, the said A. R. did of her own Accord return to the Parish of F. from which she was removed: These are therefore to require you, or one of you, to bring the said A. R. before me, or some other Justice of the Peace of, &c. to shew Cause why she returned to the said Parish of F. and further to do and receive as to Justice doth appertain. Given under my Hand and Seal, &c.

The Punishment is, To be sent to the House of Correction to be whipt as a Vagabond. The *Mittimus* is as followeth:

A *Mittimus* for returning.

To the Constable of, &c. and the Keeper of, &c.

Suffex, to **A**S in the former Warrant to the Word (removed) wit, These are therefore to require you, that you, or some or one of you, do forthwith convey the said A. R. to the House of Correction, and there to deliver her to the Keeper thereof: Requiring you also the said Keeper to receive her into your Custody, and punish her as a Vagrant. Given under my Hand and Seal, &c.

Order to send a poor Man from R. to A. was quashed 5 Mod. 163; upon an Appeal, and upon a *Certiorari* the *Sessions Order* was quashed, and the original Order confirmed, so that now the poor Man was settled at A. but he of his own Accord returned to R. from whence he was first removed, and the Justices being of Opinion that they could not send him to the House of Correction, because the Original Order was not before them, it being removed by *Certiorari*; the Court of B. R. was mov'd for a Rule to enforce the Execution of the former Rule, by which the *Sessions Order* was quashed; but the Court directed that the former Rule should be shewed to the Justices, together with the Original Order, and then if they refused to punish the Person thus returning, to make *Affidavit* of the Matter, and to move the Court again.

A War-

A Warrant to send a Wife and Children to her Husband, &c.

To the Church-wardens and Overseers of the Poor of the
Parish of, &c.

Suffex, to **W** Hereas Complaint hath been made before us, wit, That H. the Wife of J. O. an Inhabitant in the Parish of H. in the said County, is lately come into your Parish of L. and hath brought with her three Children of the said J. O. being all Infants, and that the said H. and Children are likely to be chargeable to the said Parish: These are therefore to require you, or some of you, forthwith, upon Sight hereof, to convey the said H. and Children to the Parish of H. aforesaid, and to deliver him to the said J. O. there to be settled with him according to Law; and if you do not find him there, then to deliver the said H. and the Children to the Overseers of the Poor of the said Parish of H. requiring you the said Overseers to provide for them as Inhabitants of your Parish. Given under our Hands and Seals, &c.

A Warrant to remove a Person to the Place of his last Settlement.

13 & 14 Car. 2.
9 & 10 W. 3.

W Hereas E. F. is lately come to the Parish of, &c. in the County aforesaid, to endeavour to gain a Settlement there: And whereas we are informed by the Church-wardens and Overseers of the Poor of the said Parish, That the said E. F. is a Parishioner at, &c. and doth not rent in the said Parish of, &c. 10l. per Ann. nor hath done any Act to make him a Parishioner there, and that he refuses to depart from the said Parish of, &c. or to get any Certificate from the Parish where he was legally settled, contrary to the Statute in that Case made and provided: These are therefore in his Majesty's Name to command you to remove and convey the said E. F. from the said Parish of, &c. unto the said Parish of, &c. the Place of his last legal Settlement (or, where he last lived a hired Servant for a Year, &c.) and to deliver him to the Church-wardens and Overseers of the Poor there, or to some or one of them; hereby also requiring you the Church-wardens and Overseers of the said Parish of, &c. to receive the said E. F. as your lawful Parishioner, and provide for him accordingly. Given, &c.

A Warrant to remove one coming into a Parish by Certificate, on his becoming chargeable there.

WHereas A. B. by Virtue of a Certificate under the Hands ⁸ & ⁹ W. 3^d and Seals of the Church-wardens and Overseers of the Poor of the Parish of, &c. subscribed and allowed by two Justices of the Peace of the said County, hath been permitted to come and reside in the Parish of, &c. about the Space of, &c. last past, for his better Maintenance and Livelihood; but as the Family of the said A. B. is since increased, he is not now able to maintain them without Relief, whereby they are become chargeable to the said Parish of, &c. These are therefore in his Majesty's Name to command you to convey the said A. B. and his Wife and Family to the said Parish of, &c. where they are by the abovesaid Certificate owned and acknowledged to be settled Inhabitants and Parishioners, and that you do deliver them to the Overseers, &c. of the said Parish, together with this Precept, &c. Given, &c.

A Warrant and Commitment of a Person for running away, and leaving his Family upon the Parish.

WHereas A. B. and C. D. Overseers of the Poor of the ⁴³ Eliz. Parish of, &c. have made Information upon Oath before us, &c. (two of his Majesty's Justices, &c.) That E. F. of the Parish of, &c. a Person able to work and maintain himself and his Family, did on, &c. last past run away from the said Parish of, &c. and leave his Family upon the said Parish, contrary to the Acts of Parliament in that Case made. These are therefore in his Majesty's Name to command you the said Constable, &c. that you or some or one of you, do apprehend the said E. F. if he be within your Liberty or Precinct, and him safely convey to the Gaol of, &c. and deliver him to the Keeper thereof: Hereby also requiring you the said Keeper to receive the said E. F. into your Gaol, and him there to keep until he shall be from thence delivered by due Course of Law. Hereof fail not at your Perils. Given, &c.

See the Purport of the Statute 9 Geo. 1. cap. 7. before under this Title ¶0002.

By

By 3 Geo. 2. c. 29. s. 8. Witnesses, or one of them who attested the Execution of Certificates of Settlements by the Church-warden and Overseers, shall make Oath before the Justices, who by 8 & 9 W. 3. c. 30. are to allow the same, That such Witness did see the Church-warden and Overseers severally sign and seal the said Certificate; and that the Name of such Witness is of his own Hand-writing; and the Justices shall certify that such Oath was made before them; and every such Certificate shall be allowed as duly proved, and taken as Evidence in all Courts; and all Certificates given before 24 June 1730. if allowed by two Justices, shall be likewise admitted as Evidence.

Certificate Persons becoming chargeable and being sent back, the Overseers shall be reimbursed such reasonable Charge as they have been at in maintaining and removing such Person; and in Case of Refusal, the Charge being ascertained by one or more Justices of the County to which such Removal shall be made, the same may be levied by Distress and Sale of the Church-warden and Overseers Goods, rendering the Overplus; by Warrant under the Hands of such Justices.

A Warrant to levy 30 s. for the maintaining and removing a Certificate Person, pursuant to the said Statute 3 Geo. 2.

W Hereas A. B. by Virtue of a Certificate under the Hands and Seals of the Church-wardens and Overseers of the Parish of, &c. subscribed and allowed by two Justices of the Peace of the said County, hath been permitted to come and reside in the Parish of, &c. about the Space of, &c. last past, for his better Maintenance and Livelibood, but the Family of the said A. B. is since increased, so that he is not now able to maintain them without Relief; whereby they became chargeable to the said Parish of, &c. And whereas the Overseers of the said Parish of, &c. have necessarily expended the Sum of 30 s. in the maintaining and removing of the said A. B. and his Wife and Family to the said Parish of, &c. where they are by the abovesaid Certificate owned and acknowledged to be settled Inhabitants and Parishioners, which said Sum of 30 s. we do hereby adjudge and ascertain as a reasonable Charge; and the same being refused to be paid, as appears to us upon Oath, These are therefore to require you forthwith to levy the said Sum of 30 s. by Distress and Sale of the Goods and Chattels of C. D. E. F. &c. the Church-wardens and Overseers of the said Parish of, &c. rendering them the Overplus, and that you pay the

Pope. Posse Comitatus.

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the said 30 s. to G. H. &c. Overseers of the aforesaid Parish of, &c. Given, &c.

Pope.

HE who extols the Power of the Pope by Writing, Printing, Preaching, Speaking, or by open Deed or Act advisedly done, or extols or defends his Power heretofore claimed and usurped in this Realm, or abets, procures, counsels, aids or comforts such Persons; for the first Offence, 'tis a *Præmunire*; for the second Offence, 'tis Treason: It must be certified by the Sessions before whom the Presentment was taken, within forty Days after into B. R. if in Term-time; if not, then the first Day of the next Term, otherwise every Justice before whom it was taken forfeits 100 l. 5 *El. cap. 1.*

Those who print, buy or sell any Popish Primers, Ladies Psalters, in any Language, or other superstitious Books in *English*, or bring them from beyond Sea, forfeit 40 s. for each Book to the King, the Informer, and the Poor where the Book shall be found, to be divided into three Parts: Two Justices may search the House or Lodgings of a Popish Recusant, for Popish Books and Relicks, and may deface and burn them; but being of Value, may deface them and restore them to the Owner. 3 *Jac. cap. 5.*

See Title *Recusants.*

Posse Comitatus.

THE Justices in levying the Power of the County may have the Assistance of all Laymen, under the Degree of Knights, and above fifteen Years of Age, and able to travel, upon Pain of Imprisonment, and Fine to the King.

But 'tis in the Discretion of the Justice how many, or how few he will have, and after what Manner they shall be armed.

One Justice may take the Power of the County to suppress Rioters.

Postage of Letters.

9 A. c. 19.

Persons appointed to measure the Roads shall be sworn to perform it according to the best of their Skill and Judgment, before some Justice of the Peace who shall certify the same, to be entred in the three General Post-Offices of *London, Edinburgh and Dublin*.

The Post-Master General, and all Officers, Deputies, &c. in *England*, receiving the Sacrament according to the Church of *England*, and taking the Test, Oath of Allegiance and Supremacy, and the Abjuration, are qualified to act throughout the whole united Kingdom.

All Debts not exceeding 5 *l.* due for Postage of Letters or Packets, are to be recovered before two Justices of Peace, in such Manner as small Tithes are, and preferable in Payment before any other Debt to any private Person.

Note; The Post-Master General, and all concerned in the Post-Office under him, are to take the Oath here-under, or be incapable of any Employment therein; and one Justice may administer the same.

I A. B. do swear that I will not wittingly, willingly, or knowingly, open, detain, or delay, or cause, procure, permit, or suffer to be opened, detained or delayed, any Letter or Letters, Packet or Packets, which shall come into my Hands, Power or Custody, by Reason of my Employment in or relating to the Post-Office, except by Consent of the Person or Persons, to whom the same is or shall be directed, or by an express Warrant in Writing, under the Hand of one of the principal Secretaries of State for that Purpose, or except in such Cases where the Party or Parties to whom such Letter or Letters, Packet or Packets shall be directed, or who is or are hereby chargeable with the Payment of the Post or Posts thereof, shall refuse or neglect to pay the same, and except such Letters or Packets shall be returned for want of true Directions, or when the Party or Parties to whom the same is directed cannot be found; and that I will not any Way imbezil any such Letter or Letters, Packet or Packets, as aforesaid.

But by a former Statute it is provided, That if any Person not constituted by Patent, shall exercise any Thing belonging to the Post-Office, he forfeits 5 *l.* for every Offence, and 100 *l.* per Week to the Use of the King and the Informer, and to be recovered in the King's Courts.

That if any fail of a sufficient Horse in riding Post, the Post-Master General forfeits 5 *l.* and no Person is capable of executing that Office without taking the Oaths of Allegiance and

Præmunire. Presentment.

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and Supremacy, which he may do before two Justices of Peace of the County, &c. 12 Car. 2. cap. 5.

Præmunire.

THIS Word is applied to Offences made by several Statutes; and where it is said that a Man incurreth a *Præmunire*, it is always intended that he shall have such Punishment which is to be inflicted on those who offend against the Statute of 16 R. 2. cap. 5. which is commonly called the Statute of *Præmunire*: The Judgment of which Offence is,

That the Offender be out of the King's Protection; that he forfeit his Lands and Tenements in Fee for ever, in Tail during Life, and his Goods and Chattels to the King, and that he be committed during the King's Pleasure. 3 Inst. 211. and if he be not in Prison, then *quod capiatur*, (that he be taken). 2 Saund. 389, 390, 391, 392. Raym. 212, 374. The Form of an Indictment and Judgment. 1 Vent. 171.

It hath been adjudged, That suing in the Ecclesiastical Courts concerning a Thing meerly Temporal; as to excommunicate a Man for a Treipass, to sue there for a Debt, &c. this is a *Præmunire*.

So to sue in the Admiralty for any Thing but what is done *super altum mare*, (upon the High Sea).

But this rarely happens; so that the Judgment is now almost antiquated.

This Offence was formerly so odious, that a Man attainted in a *Præmunire* might have been killed by any Person whatsoever, without any Danger of Punishment by the Law; for such Men were out of the King's Protection; but now by the Statute of 5 Eliz. cap. 1. 'tis made Felony to kill one attainted by a *Præmunire*.

Presentment.

THIS is an Accusation of the Jurors without any Bill brought before them; and it differs from an Indictment, for that is always the Verdict of a Jury upon a Bill drawn up in Writing, and offered to them.

Pretended privileged Places.

HE who knowingly and willingly shall obstruct or oppose any Person to execute any legal Process or any Warrants of Justices, or shall assault or abuse another in executing the same, or for having so done, whereby he shall receive any Damage or bodily Hurt, and being convicted thereof shall be guilty of Felony, and be transported.

On Complaint to three Justices of *Surrey*, by a Creditor of any Person in the *Mint*, and who hath taken out a legal Process against such Minter, and making Oath before the said Justices that a Debt not exceeding 50 *l.* is due to him, and that he believes such Person resides in the *Mint*: The said Justices may grant a Warrant to the Sheriff of *Surrey* and his Bailiffs, requiring them to raise the *posse Comitatus*, or such Force as they think fit, and enter the *Mint*; and upon Resistance to break open the Doors upon *mesne Process* to arrest the Person, and to seize the Goods upon an Execution, &c. the Sheriff refusing, &c. shall forfeit 200 *l.* to the Plaintiff to be recovered by Action of Debt, &c.

9 G. 1. c. 28.
See the Statute
at large.

Resisting an Officer or rescuing a Prisoner, or concealing him or any of the Rescuers, and being thereof convicted within six Months after the Offence, shall be guilty of Felony, and be transported.

See the 11 Geo. 1. c. 22. to the same Purpose, within the Hamlet of *Wapping*, *Stepney*, or any other Place within the Limits of the Bills of Mortality.

Prison. See Gaol.

A Prison.

IS a Place where a Man is restrained of his Liberty, to answer an Offence done against the Law.

The Commitment must be by a Judge of Record, and by a lawful Warrant.

There are several Sorts of Prisons, *viz.*

5 H. 4. c. 10.
11 & 12 W.

1. The Common Gaol, and to this Place Justices must commit Murderers and Felons, and not elsewhere.
2. The Stocks.
3. The Prison of a Lord of Franchise.

4. The

4. The Custody by any who hath lawfully taken the Offender, or the House of a Constable, or other Person, where a Prisoner is lawfully detained.

A Felon escaping from any of these Places, makes it a Breach of Prison.

There must be an actual Force ; for if he go out, the Doors Breaking it by being open, it is not Felony ; neither is it material that 'tis the a Felon. King's Prison ; for if 'tis the Constable's House 'tis sufficient.

Rescuing him to bring him away, is Felony in the Rescuer. If the Gaoler permits a voluntary Escape, 'tis Felony in him ; but if the Escape is negligent, and not voluntary, 'tis Felony in the Prisoner, and a Misdemeanour only in the Gaoler.

If the Prisoner is of Ability, he must bear his own Charges, and of those who are appointed to carry him to Gaol ; and if he refuse, then it may be levied by the Headborough of the Parish, by Warrant from the Justice who committed him, by Distress and Sale of his Goods after an Appraisment by four of the Inhabitants.

If he is not of Ability, then the Charges must be born by the Parish where he was taken, by a Tax made by the Constable, Church-wardens, and two or three of the Inhabitants, to be allowed by a Justice of the Peace. 3 Jac. c. 10.

A general *Mittimus* or Commitment of an Offender to Gaol.

To *A. B.* Keeper of the common Gaol of the County of, &c.
at, &c.

I Herewith send you *C. D.* of, &c. convicted before me of the Offence of, &c. and I do hereby command you to receive the said *C. D.* into your Gaol and Custody, and him safely to keep until he shall be discharged by due Course of Law. Given, &c.

An Indictment against a Prisoner for escaping by Force from a Constable.

Suffex, to **T**HE Jurors, &c. That *T. D.* late of *H.* in the said County, Yeoman, being the Constable of our said Lord the King of his Hundred of *L.* in the said County, on the first Day of April in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. at *B.* within the said Hundred, did take and arrest

Prison.

arrest one J. O. late of H. aforesaid in the said County, Labourer, on Suspicion of Felony, that is to say, (here express the Felony) and upon that account the said J. O. under the Custody of the said T. D. the Constable aforesaid, was brought before H. D. Esq; one of the Justices of our said Lord the King assigned to keep his Peace in the County aforesaid, and the said H. D. by his Warrant directed to the said T. D. and others, did command the said T. D. to carry and convey the said J. O. to the Gaol of our said Lord the King for the County aforesaid, there to be safely kept, until he should be lawfully delivered from thence, by Virtue of which said Warrant the said J. O. was taken and detained by the said T. D. and as he was conveying and carrying to the said Gaol, afterwards, that is to say, on the same Day and Year above-mentioned at H. aforesaid in the said County, by Force and Arms, &c. did feloniously Escape out of the Custody of the said T. D. the Constable aforesaid, against his Will, against the Peace of our said Lord the King, his Crown and Dignity.

For breaking a Gaol, and letting out other Prisoners.

Suffex, to **T**HE Jurors, &c. That J. O. late of H. in wit, the said County, Labourer, on the first Day of April in the ninth Year of the Reign of our said Sovereign Lord George the Second, now King of Great Britain, &c. at H. aforesaid in the said County, was arrested and imprisoned in the Gaol of our said Lord the King at H. in the said County, for divers Felonies by him committed, and that he the said J. O. on the said first Day of April in the same Year above-mentioned, by Force and Arms, &c. did break the Gaol of our said Lord the King at H. aforesaid in the said County, and did permit and suffer R. S. of, &c. and T. B. of the same Place, Labourers, then and there being Felons and Prisoners in the said Gaol to escape, against the Peace of our said Lord the King, his Crown and Dignity.

See the Act 2 Geo. 2. c. 32. whereby Thomas Bambridge Esq; is for ever disabled to exercise the Office of Warden of the Fleet, &c.

Process.

Process.

IT is called so because it proceedeth upon former Matter, either Original or Judicial, and when taken in a larger Sense, it comprehends all the Proceedings; but 'tis usually after an Indictment found, and is always in the Name of the King, directed to the Sheriff, and *Teste* by the Justice: The Justices have Power by the expresse Words of their Commission, to make Process upon Indictments of Felony, or Trespasses; but where a Man is indicted in one County who liveth in another, there must be an *Alias* after the first *Capias*, before he can be *outlawed*, and there must be three Months between the *Teste* and Return thereof. 8 H. 6. c. 10.

There is a Proviso in this Statute, That Process shall go out as usual, when the Party is indicted in the same County where he liveth; that is, If it be for Felony, and the Party not in Custody, the Justices may award a *Capias*, and then an *Exigent*; but if in Custody, they may award Process to try the Offender the next Day.

If it is for Trespass, then there must be a *Venire facias*, &c. and if *Nihil habet*, &c. a *Capias*, *Alias*, and *Pluries*, and so to the *Exigent*; but if he is returned summoned, then a *Distingas* must issue if he doth not appear, and so *infinite* till he come.

Sometimes Process is given by particular Statutes; as *per* Statute of 5 Eliz. c. 4. the Justices may award several *Capias*'s to a Sheriff or Officer of another County where a Servant or Apprentice in Husbandry departs from his Master.

Per 5 Ed. 6. c. 11. Justices may award Process to a Sheriff of another County, in Cases where the Offenders are indicted for Felonies in Counties where the Facts were done, but not where they live.

If a Man is indicted for *Murder*, there shall be but one *Capias*, and then an *Exigent*.

But 25 Ed. 3. c. 14. if for Robbery, there shall be two *Capias*'s before the Outlawry.

These Processes may be stayed by *Superfedeas* issuing from the Justice, setting forth that the Defendant came before him, and hath found Sureties for his Appearance to answer the Indictment, or to pay his Fine.

Prophecies.

Publishing by Writing, Printing or Speaking any false Prophecy, to make any Disturbance, &c. the Offender being lawfully convicted, shall be imprisoned for a Year without Bail, and forfeit 10*l*.

For the second Offence, being convicted, &c. shall be imprisoned for Life, and forfeit all his Goods.

One Moiety of these Forfeitures to the King, the other to the Prosecutor. 5 *Eliz. c. 15.*

Purveyance.

BY the Statute of 12 *Car. 2. c. 24.* no Person by Colour of Purveyance for the King, &c. shall take any Thing from the Subject without the Owner's Consent.

Any Justice of the Peace, or the Constables of the Place, may commit the Offender, who by Colour of any Warrant under the Great Seal, or otherwise, shall make Purveyance, &c. there to remain till the next Sessions, and the Party shall recover treble Damages and treble Costs.

An Indictment thereon.

12 *Car. 2. c. 24.*
sec. 13.

Suffex, to **T**HE Jurors for our Sovereign Lord the King wit,
upon their Oath present, That one J. O. late of H. in the County aforesaid, Labourer, on the third Day of March in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. at L. in the County aforesaid, by Colour of Purveyance for our said Lord the King, did unjustly and unlawfully take and lead away five Sheep of the Price of forty Shillings of the Goods and Chattels of R. B. Gent. then and there being found, without the free and full Consent of the said R. B. contrary to the Form of the Statute in such Case made and provided, and also against the Peace of our said Lord the King, his Crown and Dignity.

Quaker.

Quaker. See Tithes.

NO Quaker shall be permitted to give Evidence in any 7 & 8 W. criminal Causes, or serve in Juries, or bear any Office or Place of Profit in the Government.

By this Act, their Affirmation is to go for an Oath.

IA. G. *do declare in the Presence of God, the Witnesses of the Truth of what I say.*

And if what he affirms is false, he shall be punished as in Cases of Perjury.

To continue for seven Years, &c.

This Act made perpetual by Stat. 1 Geo. c. 6. and the Remedy for Recovery of *small Tithes*, and Church-Rates is extended against *Quakers*, for Recovery of any Tithes or Church-Rates, or any other customary Rights belonging to any Church, which by Law or Custom ought to be paid to the Minister; the Proceedings are to be as by that Act, and the Justices may allow *Costs*, not exceeding 10 s.

By the Statute 8 Geo. c. 6. instead of the solemn Affirmation and Declaration in the Statute 7 & 8 Will. he shall make the solemn Affirmation and Declaration following, (*viz.*) *I W. R. do solemnly, sincerely and truly declare and affirm, &c.* and instead of the Form prescribed by 1 Geo. c. 6. for the Oath of Abjuration, he shall take another, (*viz.*) *I W. R. do solemnly, &c.* See Title Oath.

In the ninth Year of King George the Second, the Quakers had a great Contest to prevent their being sued in the Ecclesiastical Court, or Courts of Equity for Tithes in General, and would have had the same left to the Determination of the Justices of Peace, &c. and a Bill to that Purpose (tho' it met with great Opposition) passed the House of Commons, but was rejected in the House of Lords.

Quaren-

Quarentine.

WHEN any Foreign Countries are infected, all Ships coming thence are to make their Quarentine in such Places, Time and Manner as the King shall appoint; and until they are discharged thereof, no Person or Goods therein shall come on Shore, or into any other Ship, &c. nor shall any go on Board such Person without License in Writing, under the Hand of such Person who shall be appointed to see the Quarentine performed: And all Ships, Persons and Goods, &c. during such Quarentine, shall be subject to such Orders and Directions therein, as shall be made by the King, and notified by Proclamation; and if any Master or Commander of such Ships, &c. shall go himself on Shore, or on Board any other Ship, or suffer any of his Men, &c. till his Ship be discharged, without such License, such Ship with her Tackle, Apparel and Furniture, shall be forfeited to the King. And if any Person arriving in such Ship shall quit the same, by going on Shore, or on Board any other Ship during the Quarentine, the Person appointed to see it performed may compel him, in Case of Resistance, by Force to return on Board, there to remain, &c. And after the Quarentine, if thereof convicted by one Witness before one Justice, forfeits not exceeding 20*l*. to be paid to the Justices, who at Discretion are to reward the Informer thereof not exceeding one Third, and pay the Residue, after Charges deducted, to the Poor of the Parish where the Conviction was: And in Default of Payment, the Justice may commit to the House of Correction to hard Labour, not exceeding one Month.

And the Justices of the several Counties adjoining to Places where Quarentines are to be performed, or one of them, shall on appointing the same, forthwith cause Watches to be kept Day and Night in the most proper and convenient Places in the adjacent Parishes, with strict Orders to them. And they are required not to permit any Person whatsoever to come on Shore from, or go on Board any such Ships, except such only as have the Charge of seeing the Quarentine performed, or be licensed as aforesaid.

After the Quarentine performed, and Oath made by the Master, or Persons having Charge of the Ship, and two of the Persons belonging thereto, before the Customer, Controller, or Collector of the Port, or their Deputies, or any Justice of Peace near adjoining, *That such Ship or Vessel, and all and every the Person and Persons therein, have duly performed the Quarentine, and that the said Ship or Vessel, and all the Persons on Board are free from Infection,* the said Customer, &c. or the said Justice,

Quarentine. Rape.

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Justice, are to give a Certificate thereof; and thereupon the said Ship, &c. to be liable to no further Restraint, &c. And the Officer, &c. before whom the Oath is made, and by whom the Certificate is given, shall demand no more than 1 s. for each, besides the Stamp-Duties.

And after the Quarentine, the Goods imported are to be opened and aired, &c.

See also, the late Acts 7 Geo. 1. c. 3. and 1 Geo. 2. ff. 2. c. 13. whereby some further Provisions are made for performing Quarentine. And note; This latter is to continue only for two Years, except so much thereof as enables his Majesty to prohibit Commerce between his Subjects and those of other Countries.

A Certificate that a Ship hath performed her Quarentine according to the said Statutes 7 Geo. 1. and 1 Geo. 2.

WE A. B. Customer of the Port of, &c. and C. D. and E. F. Esqrs; two of his Majesty's Justices of the Peace for the County of, &c. do hereby certify that the Ship called, &c. lately arrived in the said Port, and the Cargo thereof have duly performed Quarentine, whereof Proof hath been duly made before us by the Oaths of, &c. as the Law requires; and that the said Ship, Goods and Persons on Board, are free from Infection of the Plague; and therefore we do hereby certify the same as the Statute directs, That all Persons may take Notice of the same, and permit the said Ship and Persons to pass, &c. without farther Restraint or Molestation. Given, &c.

Rape. Vide Rape in Felony.

THIS is * Felony at Common Law, committed by Force * In Bracton's Time, the Punishment was upon a Woman by carnally knowing her, she never consenting thereunto, either before or after the Fact. Loss of Eyes and Genitalia, because calorem stupri induxerunt.

For if she consented after the Fact, 'tis still a Rape; and tho' she will not prosecute, yet the Husband may; and if she have none, then the Father or next of Kin may appeal.

In Scotland, the Woman ought to complain the same Day or Night in which she was ravish'd; and by our Law she ought to complain in forty Days afterwards, but rather immediately, for concealing it implies a Consent before the Fact.

Those

12 Rep. 37.
Savil 42.

Those who assist in committing a Rape, being present, are Principals.

An Indictment for a Rape.

It was my Lord Audley's Case.

Sec 13 Ed 1.
St. 1. chap. 34.

Wiltshire, **T**HE Jurors for our Sovereign Lord the King to wit, upon their Oath present, That Martin Lord Audley, late of Fountell Gifford in the County of Wilts aforesaid, and Giles Broadway of Fountell Gifford aforesaid in the said County, Gentleman, not having the Fear of God before their Eyes, but being moved and seduced by the Instigation of the Devil, on the twentieth Day of June in the Sixth Year of the Reign of our Sovereign Lord Charles, by the Grace of God of England, Scotland, France, and Ireland, King Defender of the Faith, &c. at Fountell Gifford aforesaid, in the said County, with Force and Arms, &c. did make an Assault in and upon the Lady Anne Audley, (the Wife of the said Lord Martin Audley,) then being in the Peace of God and of our said Lord the King, and the said Giles Broadway, with Force and Arms did then and there forcibly and feloniously ravish the said Lady Anne Audley, without the Consent and against the Will of her the said Anne, and did then and there forcibly and feloniously carnally know the said Anne without her Consent, and against her Will, against the Peace of our said Lord the now King, his Crown and Dignity, and contrary to the Form of the Statute in such Case made and provided. And further the said Jurors say upon their Oath aforesaid, That the said Martin Lord Audley, on the said twentieth Day of June in the Sixth Year above-mentioned, at Fountell Gifford aforesaid in the said County, feloniously was present, assisting and comforting, abetting, procuring, helping and maintaining the said Giles Broadway, feloniously to do and commit the said Felony in Manner aforesaid, against the Peace of our said Sovereign Lord the now King, his Crown and Dignity, and contrary to the Form of the Statute aforesaid.

* It must be charged expressly by this Word,
1 Inst 124.

An Indictment for a Rape.

Suffex, to **T**HE Jurors, &c. That J. G. of H. in the County aforesaid, Labourer, not having God before his Eyes, but being moved and seduced by the Instigation of the Devil, on the third Day of March in the Ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. by Force and Arms, &c. at L. in the said County, did feloniously make an Assault in and upon

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one A. P. * of the Age of eighteen Years, then and there being * If under ten in the Peace of God and of our said Lord the King, and then Years, then and there feloniously did ravish and carnally know the said A. P. say, in and up- on one A. P. against the Will and without the Consent of the said A. P. then being a Woman Child Crown and Dignity, and also contrary to the Form of the Sta- under the Age tute in such Case made and provided. of ten Years, and then and

there feloniously did ravish and carnally know the said A. P. and did wickedly abuse the said A. P. against the Peace of our said Sovereign Lord the now King, his Crown and Dignity, and also contrary to the Form of the Statute in such Case made and provided. Dyer 304.

It was a Doubt, whether a Rape could be committed on a Girl of seven Years old; but if she had been nine Years, no Question. Dyer 304.

Anno 9 Car. One Martin Page was indicted at the Old Cro. Car. 332. Bailly, for that he carnaliter cognovit (carnally knew), an Infant, under the Age of † ten Years. At his Trial the Jury † If under ten would not find him guilty, because it was not proved he entered the Body of the Child; but he having very much abused Years, then, though she consent, 'tis a Rape, by 18 Eliz. cap. 6. her, the Court ordered an Indictment of Battery to be exhibited against him, which was tried at the Bar; and he was found guilty, and fined 100 Marks, and ordered to stand in the Pillory, &c. and to be bound with Sureties for his Good Behaviour during Life, and committed during the King's Pleasure. If above ten Years, then not consenting at first, though she cannot con-

sent afterwards, is likewise a Rape. No Clergy. 18 Eliz. cap.

If a Woman consenteth for fear of Death 'tis a Rape, because the Consent ought to be free and voluntary.

In an Appeal of Rape by Virtue of the Statute Westm. 2. Dyer 201. cap. 34. it was objected that the Appellant had counted, that on such a Day, and in such a Year and Parish, the Appellee tam Rapuit & carnaliter cognovit (ravished her and carnally knew her), without saying felonice (feloniously), neither did she aver, that she did not consent either before or after the Fact; and for this Reason it was held ill.

Actions of Conspiracy against several for conspiring to charge the Plaintiff with a Rape, it must be laid in the Declaration, that the Plaintiff was not recenter prosecuted. Latch 218. Godb. 414. Palm. 385. (freshly prosecuted); because if he was not, it argues that the Woman consented; therefore because the Plaintiff was not indicted in a short Time after the Fact supposed to be committed, but the Concealing it for Half a Year, and then would have preferred an Indictment against him; this was held to be false and malicious.

Anno 1 Georgii, a Woman went for her Husband to a Bailiff's House, and being shewed the Rooms by one Sarah Blandford, in the Company of Leefin who lodg'd in the House; the said Blandford lock'd them in a Chamber, and went

went away laughing, and then *Leefin* ravished her. The Evidence was Mrs. *May*, the Woman her self, who cried out, and no Body came to her Assistance; and that when the Door was open, she immediately complain'd of the Injury. But the Evidence for the Prisoner was, that immediately after she came down Stairs, there was an open Familiarity between her and the Prisoner; and therefore it could not reasonably be intended that they should have a Difference so lately, which concerned his Life; and tho' a Woman cannot be ravished by one Man, without some extraordinary Circumstances of Force, yet the Jury found them both guilty; but they were both pardoned.

Recognizance.

THIS is a Bond of Record, testifying, That the Party oweth to the King a certain Sum, &c. upon the Non-performance of a Condition.

'Tis Matter of Record as soon as it is taken or acknowledged, tho' it be not made up, but only entred in the Justice's Book; and therefore for a Breach of it an Indictment will not lie, but a *Scire facias*. *Raym.* 196.

When you take a Recognizance, it must be made in *Latin*, but the Condition is usually in *English*; the Name, the Place of Abode, and the Trade or Calling both of the Principal and Sureties are to be punctually set down; and the Principal is to be bound in double the Sum which the Sureties are bound in.

When 'tis entered or made up, you read the Condition to the Parties bound, calling them by their Names; thus:

You acknowledge to owe unto our Sovereign Lord the King, &c.

These Recognizances are to be engrossed in Parchment, to which the Justice subscribes his Name; but the Persons bound need not set their Names to it.

Where a Justice has Power to take a Recognizance, if the Party refuse to be bound, he may commit him. *11 Rep.* 52.

'Tis expedient for the Justice to keep a Book, in which he ought to enter his Recognizances thus:

J. O. de H. in 20 l. ad comparend. ad proximas Assisas or Session. Pacis (to appear at the next Assizes or Sessions of the

Recognizance.

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the Peace), (as the Case is) bound over for the suspicious stealing of an Horse from R. S.

Sureties { B. W. de L. } 10 L.
 { R. N. de B. }

Note; By the late Act, these Proceedings are now to be in the *English* Language.

This is Discretionary in the Justice, before whom the Recognizance is acknowledged; and when once taken, if he is deceived in the Ability of the Sureties, he may compel the Party to put in more; but this is when the Recognizance is taken *ex Officio*, and not by Virtue of a *Supplicavit*. Number and Sufficiency of the Sureties.

If the Sureties die, the Recognizance is good against their Executors; but the Justices can award no Process upon it, for it must be certified into a higher Court.

These may not enter into Recognizance, but their Sureties only, if 'tis for *keeping the Peace*. Feme Covert, and Infants.

Justices cannot award Process, but these Records must be certified into B. R. Process thereon.

These are to be certified, notwithstanding the Death of the King, or Death of the Cognizor, or of the Party at whose Suit they are taken; nay, though they are released. Certifying them.

If they concern the Evidence against Felons, they must be certified the next Gaol-Delivery. 2 & 3 Ph. & M. See Recognizance in Title Behaviour. cap. 10.

Armour, going armed.	Peace, breaking it.	What Acts
Affaulting any one.	Ravishing of a Woman.	shall be a For-
Battering Persons.	Robbery committed.	feiture.
Burglary, committing it.	Riotously assembled.	
Imprisonment, if false.	Threatning in the Pre-	
Man slaughters, and the Pro-	sence.	
curers.	Treason done.	
Murdering any one.	Wounding, tho' at Play.	

And generally whatever is a Breach of the Peace, is a Forfeiture of the Recognizance.

A Man was bound in a Recognizance for his Good Behaviour; and being afterwards taken by a Constable upon a Suspicion of Felony, he escaped; Adjudged that no Felony was committed; and though the Constable took him wrongfully, yet his *Escape is a Misbehaviour*, and by Consequence his Recognizance is forfeited. Godb. 22. Leon. 166.

But opprobrious Words, as to call a Man a Liar, Knave, &c. are not a Breach of the Good Behaviour, so as to make a Man forfeit his Recognizance; for though such Words may be Provocations to break the Peace; yet they do not immediately tend to it, as Affaulting and Threatning do. Cro. Eliz. 89. Intt. 180. 181.

Beating,

What not.

Beating, in Defence of his

Child.
Father.
Goods.
Master.
Mother.
Possessions.
Way, in Defence thereof, if ancient.

Discharge
thereof.

If not forfeited, 'tis discharged by the Demise of the King, or Death of the Cognizor.

By a Release of the Party *ore tenus* (by Word of Mouth), or by the Justice himself, to be written under the Recognizance; the Form thereof see in *Release*, Title *Behaviour*.

The Form of the Release.

Suffex, to **B**E it remembred, that on the 27th Day of wit, August in the Year of our Lord 1735. J. O. came before me W. N. Esquire, one of the Justices of our Sovereign Lord the King, assigned to keep the Peace in the County aforesaid, and willingly remised and released (as much as in him lay) the Security of the Peace aforesaid, demanded by him against the above-named R. R. In Witness whereof, I the said W. N. have set my Seal to this Release. Dated, &c.

This Release being certified by the Justice, the Person is discharged from Appearance, because the Recognizance was to preserve the Peace; which being discharged by the Release, the Appearance is likewise discharged.

A Recognizance.

See before Tit.
Bail and Beha-
viour.

Suffex, to **B**E it remembred, that on the 27th Day of August wit, in the Ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. J. O. of H. in the said County, Yeoman, and T. P. of H. aforesaid, Husbandman, and R. B. of H. aforesaid, Husbandman, personally did appear before me W. N. Esq; one of the Justices of our said Lord the King, assigned to keep the Peace in the said County, and did acknowledge that they were indebted to our said Sovereign Lord the King, that is to say, the said J. O. and T. P. severally in ten Pounds, and the said R. B. in twenty Pounds of good and lawful Money of Great Britain, to be severally made and levied of their Goods and Chattels, Lands and Tenements, for the Use of our said Sovereign Lord the King,

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Recognizance.

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King, his Heirs and Successors, if Default shall be made in the Condition within written.

A Condition for Breach of the Peace.

THE Condition of this Recognizance is such, That if the above-bounden R. B. shall personally appear in Court at the next General Quarter-Sessions of the Peace, to be held, &c. to answer unto such Matters as shall be then and there objected against him by R. S. of, &c. concerning an Assault and Battery, lately made upon the said R. S. by the above-bounden R. B. and concerning some other Misdemeanors tending to the Breach of the Peace; and that if he do not depart without Leave of the Court, then his Recognizance to be void, otherwise to be and remain in Force and Virtue.

A Condition for a Misdemeanor.

Middlesex, **T**HE Condition of this Recognizance is such, to wit, That if the said J. O. shall personally appear before the Justices of the Peace, at the Sessions of the Peace to be held for, &c. and shall then and there answer unto such Misdemeanors which shall be objected against him, and that he doth not depart without Leave of the Court, then this Recognizance to be void; otherwise, &c.

A Condition to prefer a Bill and give Evidence.

THE Condition of this Recognizance is such, That if the within bounden A. B. do personally appear before his Majesty's Justices of * Gaol-Delivery, at the next General * If at the Sessions, then instead of Gaol-Delivery, say, Sessions of the Peace. Assizes to be held for the within named County of S. and do then and there prefer, or cause to be preferred, a Bill of Indictment against W. N. for the Matters wherewith he is charged before W. B. and J. D. his Majesty's Justices within named; and do also then and there give Evidence concerning the same, as well to the Jurors, as shall inquire thereof on Behalf of our Sovereign Lord the King, as also to the Jurors that shall pass upon Trial of the said W. N. for the same. Then this Recognizance to be void; otherwise, &c.

If it be only to give Evidence, then after then and there, and give such Evidence as he knoweth against T. B. concerning

Recognizance. Recusants.

cerning the Matters wherewith he is charged, as well to the Jurors, &c.

One Justice out of Sessi- ons may take Recognizance of	Alehouse-keepers, suffering unlawful Games, and selling of Ale without License, viz. to appear at Sessions. Behaviour, to be of Good Behaviour. Hawkers in Corn, to appear at Sessions. Logwood, suspected Persons using in Dying. Partridges, those who take them to appear. Peace, those who break it. Pheasants, convicted of destroying them, viz. not to offend again. Witnesses against a Felon, to appear at Sessions.
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Moor 555.

There are other Recognizances which are not proper to be mentioned here; and it hath been said to be a great Misdemeanor to intice an Infant to enter into such Recognizance for Goods, knowing him to be an Infant; for which Offence one *Hicks* was fined 100 *l.* and committed.

Recusants.

ARE those who refuse or deny Supremacy to the King, by adhering to the *Pope* as supreme Head of the Church:

Before I enter upon the Statutes which inflict Penalties upon them, I think it requisite to acquaint the Reader with the Progress made by *H. 8.* in reducing the Power of the Court of *Rome* here.

Anno 24 H. 8. cap. 12. the Parliament prohibited *Appeals* to *Rome*, declaring in the Preamble, That the Crown of *England* was Imperial, and that the Nation was a compleat Body, with a full Power to administer Justice in all Cases.

25 H. 8.

The next Year, he appointed, That *Convocations* should be assembled by his Writ, and that no *Canons* or *Constitutions* should be executed, which were contrary to his Prerogative, or to the Laws of the Land.

In the same Year, an Act passed to restrain the Payment of *First-Fruits* to the Court of *Rome*; and this being an apparent Diminution of their Revenue, was the Foundation of that Breach which afterwards followed between the King and that Court.

The

The Learned Bishop of *Sarum* tells us, That the Parlia- Hist. Reform. Vol. 1. fol. 111,
ment being unwilling to go into Extremities, did remit the
final Ordering this Act to the King, *viz.* That if the *Pope*, at
a Time prefixed, should either mitigate or put down the
Payment of these *Annates*, that then the King by his Letters
Patent might declare how much of the Act should be in
Force, which was to take Effect accordingly.

But I do not find the *Pope* complied; and therefore in the 26 H. 8
next Year an Act passed, by which the *First-Fruits* of all Spi-
ritual Livings were given to the King, &c.

In the same Year an Act passed, prohibiting *Investitures* of
Archbishops or Bishops by the *Pope*; and that in a Vacancy
the King should send his *Letters Missive* to the Prior or Con-
vent, Dean or Chapter, to chuse another.

Likewise in the same Year, all *Licences* and *Dispensations*
from the Court of *Rome* were prohibited, under Pain of *Præ-*
munire; and that *Religious Houses* should be under the *Visita-*
tion of the King, by Commissioners to be appointed under the
Great Seal.

But the *Supremacy* was not yet settled; for in a Session of Hist. Reform,
Parliament, *Anno* 1534. which was in the 26th Year of 157.
his Reign, he was then declared to be *Supreme Head of the*
Church.

But he did not exercise any Act of that Power until a Year
afterwards, by appointing Sir *Thomas Cromwell* to be his
Vicar-General in Ecclesiastical Matters, and Visitor of all the
Monasteries and other privileged Places in the Kingdom.
This was the first Act of *Supremacy*.

These Places were visited; and the next Year, which was 27 H. 8;
Anno 1536. (the Parliament meeting in February 1535.) all
the *lesser Monasteries*, under the Number of *twelve Persons*,
and whose Revenues were not of the Value of 200 *l. per An-*
num, were given to the King, his Heirs and Successors; and
a Court was erected on Purpose for Collecting the Revenues
belonging to these *Monasteries*, which was called *The Court of*
Augmentations of the King's Revenue, who had full Power to
dispose of those Lands for the Service of the King.

They proceeded in this Manner, *viz.* One *Auditor* of that
Court was to call to his Assistance three discreet Persons of the
County where the *Monasteries* were, and these were to ac-
quaint those Houses with the Statute of *Dissolution*.

Then they were to give the Governor or any other Officer
of the House an Oath, to declare the State and Condition
thereof, and to require them to appear before the Court at a
certain Day; and in the mean Time, not to meddle with
any Thing belonging to the House, except for necessary Sub-
sistence, until farther disposed.

Recusants.

When he appeared before the Court, they were to assign him an yearly Pension for Life.

These Persons were likewise to inquire into the Number of Religious in the House, and what Lives they led; how many would go into other Religious Houses, and how many into the *World*, as they called it.

They are to take an Account of the Buildings and Number of Servants belonging to the House; they were to secure the Seal of the Convent, and the Writings, Jewels and Plate, and all other moveable Goods; and so take an Inventory thereof, &c.

The whole of those Goods were valued at 100,000 *l.* and the Rents of these small Monasteries came to 30,000 *l. per Annum*.

This occasioned great Discontent amongst the People, complaining of the Injustice of this Suppression, but to satisfy the Gentry, *Cromwell* advised the King to sell these Lands to them at low Rates, obliging them to keep up Hospitality.

This pleased both them and the ordinary Sort of People for a little Time; and to satisfy others, there was a Clause in the Act, which gave the King Power to continue such Monasteries as he should think fit; by Virtue of which Power, he continued or gave back 31 Houses: But these, about two Years afterwards, fell under the common Fate of the great Monasteries, and were all suppressed with them.

But notwithstanding he gave back some of the Houses, yet the People were still discontented, and openly rebelled in *Lincolnshire*, which was quieted by a Pardon: There was another Rebellion in *Yorkshire*, and the Northern Counties, which ended also in a Pardon, only some of the Chiefs of the Rebels were executed for this last Rebellion.

The King being then free from Apprehensions of more Rebellions, appointed a new Visitation of all the Monasteries in *England*, there being but few suppressed by Virtue of the Act before mentioned, because (as it is believed) the Visitors being to make a Report to the Court of Augmentations, of the State and Condition of the Monasteries they had visited, and after the Report made, a new Commission being to Issue forth to suppress them, it happened that these Reports were made but a very little Time before the Rebellion broke forth; so that it is probable few of those Commissions were executed, because that would have enraged the People, and added Numbers to the Rebels.

29 H. 8.

But most of them seeing their Dissolution drawing near, made voluntary Surrenders of their Houses in the 29th Year of *H. 8.* in Hopes by this Means to obtain Favour of the King; and after the Rebellion upon the second Visitation,

the

Recusants.

the Rest of the Abbots, both great and small, did the like; for some of them had encouraged the Rebels; others were convicted by the Visitors, of great Disorders; and most of them had secured all the Plate, Jewels, and Furniture belonging to their Houses, to make Provision for them and Relations; and then surrendred their Monasteries; so that the greatest Part of them were voluntarily given up to the King.

Afterwards, *Anno 31 H. 8.* a Bill was brought into the House of Peers to confirm these Surrenders. There were 18 Abbots present at the first Reading it, 20 at the second Reading, and 17 at the third: It soon passed the Commons, and the Royal Assent; and by this Act reciting the voluntary Surrenders, &c. all the Houses, which from the 14th of Febr. *Anno 27 H. 8.* (which was the Time when the first Act passed, giving all the small Monasteries to the King) and all belonging to them, which were since that Time suppressed, dissolved, relinquished, forfeited or given up, and all those which should be suppressed, &c. were confirmed to the King, his Heirs and Successors.

It is true, the Hospitallers, Colleges and Chanteries, &c. were not yet dissolved; the Hospitallers were those of *St. John of Jerusalem*, which consisted of a Prior and his Fraternity, of which the Prior and two Chaplains were bound to be Church-men; these had large Endowments to support themselves, and to entertain Pilgrims; the other Foundations were made up with Secular Priests, who had Pensions to say Masses for the Souls of the Founders.

But notwithstanding the King was declared to be the Supreme Head of the Church; yet these Hospitallers would not submit, but maintained the Supremacy of the Pope against him, and abused his Majesty and the Parliament for making that Law; by which that usurped Power of the See of *Rome* was extinguished; and therefore, *Anno 32 H. 8.* the Parliament gave their Lands to the King, and dissolved their Corporation.

The Colleges and Chanteries still remained; but the Doctrine of Purgatory being then grown out of Belief, and some of those Fraternities having resigned in the same Manner the Monasteries had done before them, the Endowments of the Rest were then thought to be for no Purpose; and therefore *Anno 37 H. 8.* all these Colleges, free Chapels, Chanteries, &c. were given to the King, his Heirs and Successors, by Act of Parliament.

Thus in the Compass of a few Years, the Power and Authority of the See of *Rome* was suppressed in this Kingdom: And because frequent Attempts have been made by Papists to revive it, therefore in succeeding Times several Laws have been made to keep them in Subjection, which I shall only mention.

Abjuration.

Recusant convict, above 16, must go to his Place of Abode, and not remove five Miles without License; or otherwise, not being a Feme Covert, and not having Lands worth 30 Marks *per Annum*, or Goods worth 40*l.* and not making the Submission mentioned in 35 *Eliz. c. 2.* being required by a Justice of the Peace, must abjure before two Justices, &c.

Not departing within the Time limited by the Justices, or returning without the King's License, is Felony without Clergy. 35 *Eliz. c. 3.*

Abode;

Must go to his Place of Abode, and not remove, as before; the Forfeiture is Goods for ever, and Lands during Life, tho' Copyhold; but in this last Case, the Lord of the Manor, if no Recusant or Trustee for him, shall have the Forfeiture; if the Lord be a Recusant, the King shall have it. 35 *Eliz. c. 2.*

If he hath no Place of Abode, must go to the Place of his Birth, or where his Parents live, and within twenty Days after, give his Name to the Minister, or Constable, &c. who is to enter it in a Book, and certify it to next Sessions. 35 *Eliz. c. 2.*

But he may go as far as he hath License from the four next Justices, under their Hands and Seals, with the Assent of the Bishop, or Deputy Lieutenant, first making Oath of the true Reason of his Journey. 3 *Jac. c. 1.*

Absolve;

To absolve, or be absolved by Bulls from the Bishop of Rome, is High Treason; Accessaries before the Fact are guilty of the same Offence. 13 *Eliz. c. 2.*

Pretending Power to absolve any within the King's Dominions from their natural Obedience, &c. guilty of Treason. 25 *El. c. 1.*

Advowson.

Shall not be granted by a Popish Recusant convict, whilst under Conviction. 3 *Jac. 1. c. 5.*

If such Recusant grant the Advowson for Years to a Friend in Trust, the Grant is void.

Any Papist or Popish Recusant convicted, as *per Statute* 3 *Jac. c. 5.* or disabled by refusing or neglecting to repeat and subscribe the Declaration mentioned in an Act 30 *Car. 2. c. 1. viz.* I H. G. do solemnly, &c. when tendered by two Justices of the Peace, or forbearing to appear before them upon Notice to him given, or left at the usual Place of his Abode, by any one who hath Authority so to do, by Warrant under the Hands and Seals of the said two Justices, and shall thereupon have his Name, Surname, and usual Place of Abode, certified and recorded at the General Quarter-Sessions, shall be disabled to grant an Advowson. 1 *W. & M. c. 26.*

Person seised in Trust for such Offender shall be likewise disabled to make such Grant. 1 *W. & M. c. 26.*

Trustee or Mortgagee, presenting or causing to be presented, to any Living, the Trust whereof shall be for a Recusant convicted,

viſt, or diſabled, without giving Notice to the Chancellors of Oxford or Cambridge, &c. within three Months after Evidence, forfeits 500 l. to the reſpective Chancellors. 1 Will. & Mar. c. 20.

Bringing an *Agnus Dei* hither, or offering it to any Perſon *Agnus Dei* to be uſed, both he and the Receiver incurs a *Præmunire*.

13 Eliz. c. 2.

Of Popiſh Recuſant conſiſt ſhall be taken from him by Armour-Warrant from four Juſtices of the County, &c. at General Sessions, &c. and kept where they think fit, and ſhewed at every Muſter.

Refuſing to deliver them, forfeits them to the King, and by Warrant from one Juſtice, &c. may be committed for three Months. 7 Jac. c. 6.

No Papiſt, or reputed Papiſt, refuſing or making Default to ſubſcribe the Declaration, (which ſee in *Adverſion*) ſhall keep any Arms, Weapons, Gunpowder or Ammunition, other than ſuch which ſhall be allowed him by Order of Sessions, for the Defence of his Houſe and Perſon.

Two Juſtices, &c. may by Warrant give Power to Perſons in the Day-time to ſearch for Arms, with the Aſſiſtance of the Conſtable; &c. in the Poſſeſſion of any Papiſt, or ſo reputed, and ſeize them to the Uſe of the King, and muſt deliver them the next Quarter-Sessions in open Court.

Papiſt, &c. not diſcovering his Arms to ſome Juſtice of the Peace, within ten Days after Refuſal, or making Default to ſubſcribe the Declaration, or hindring Perſons authorized to ſearch, ſhall be committed by Warrant from two Juſtices, &c. for three Months without Bail, and ſhall forfeit the Arms, and pay treble the Value to the Uſe of the King, to be appointed by Juſtices at the next Quarter-Sessions.

Perſons concealing them, or hindring the Search, may be committed (*ut prius*) and forfeit treble the Value.

Perſons diſcovering Arms, &c. ſo as they may be ſeized, Juſtices at Sessions ſhall allow the full Value of the Arms being there delivered, to be aſſeſſed by Juſtices in Sessions, and be levied by Diſtreſs and Sale of Goods of the Offender.

1 Will. & Mar. c. 26.

Baptiſm — See Children of Recuſants.

Bringing them over, or offering them to any Perſon to be Beads. uſed, both he and the Receiver incur a *Præmunire*.

But if the Perſon to whom offered apprehends the Offender, and brings him before a Juſtice of Peace, or acquaints him with his Name within three Days after the Offence, or delivers the Beads the next Day after Receipt to a Juſtice of Peace, ſhall not incur the Penalty of 13 Eliz. c. 2.

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Selling,

Recusants.

Selling, printing or importing any superstitious Books, forfeits 40 s. per Book, between the King, Prosecutor and Poor, &c. 3 Jac. c. 5.

Two Justices, &c. may search Houses, &c. for such Books and Relicks, and burn them; but such which are of Value, must be defaced in open Sessions, and returned. 7 Jac. c. 6.

Breviaries — See Books.

Bulls.
13 Eliz. c. 2.

Of Absolution, to obtain such from Rome is High Treason, or to comfort and maintain those who obtain them, is a *Præmunire*, that is, the Aider of such Offender.

Dyer 365.

After the Fact, *to the Intent to set forth, uphold or allow the Doing or Executing* the usurped Power of Rome.

About seven Years after the Making this Statute, a Man was indicted for *aiding* another, knowing him to be a Maintainer of the Jurisdiction of the See of Rome, *contra formam Stat' præd'* (against the Form of the Statute aforesaid), but notwithstanding this *Conclusion*, the *Indictment* was quashed, because it did not set forth, That he aided the Person *to the Intent to set forth, uphold or allow* that Authority.

Burials.

Every Popish Recusant must be buried in Church, or Church-yard, according to the Ecclesiastical Laws, or his Executor, or Administrator forfeits 20 l. 3 Jac. c. 5.

Catechisms, — See Books, the like Penalty.

Must within a Month after their Birth be baptized by a lawful Minister, or the Parent forfeits 100 l. if he outlive a Month; if not, then his Wife to pay the Forfeiture, to be divided between King, Prosecutor and Poor. 3 Jac. c. 5.

Children of
Recusants.

But Protestant Children of Popish Recusants, not allowing them a fitting Maintenance, suitable to the Ability of such Parents, shall have such Allowance as the Lord Keeper, &c. shall order. 11 & 12 Will.

Conforming before Judgment, except in Cases of Treason and Misprision, shall be discharged of Penalties. 21 Eliz. c. 1.

The Son and Heir being no Recusant, or conforming and taking the Oath of Supremacy, his Lands are discharged from the Penalty incurred by his Ancestor. 1 Jac. c. 4.

Conforming.

But not conforming after Sixteen, his Lands are not discharged till he conform.

Conforming after Conviction, must be within a Year afterwards, and so every Year receive

Recusants.

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Conforming.

ceive the Sacrament, or forfeits 20 *l.* in the first Year, 40 *l.* in the second Year, and 60 *l.* for every Default afterwards; and if once he hath received, and afterwards makes Default, he forfeits 60 *l.* between the King and Profecutor. 3 *Jac. c. 4.*
Cro. Jac. 365.

Court.

Recusant convict coming to Court without the King's Leave, forfeits 100 *l.* between the King and Profecutor, and must not come within ten Miles of *London.* 3 *Jac. c. 5.*

Crosses.

—See Beads.

Declaration.

Two Justices may tender the Declaration, mentioned in the Act of 30 *Car. 2.* to any Papist, and if he doth not make and subscribe it, or shall refuse to appear upon Notice, (which see in *Edmonson*) shall be liable to Penalties in the Act of 1 *Will. & Mar. c. 5.*

Excommunicated.

Popish Recusant shall be reputed duly excommunicated; and if he sue any Person, the Defendant may plead it in Disability, but he must aver the Plaintiff to be *Papalis Recusans.* 3 *Lev. 11.*

Executor.

Popish Recusant shall not be Executor or Administrator, or Guardian, but the next of Kin to whom the Land cannot descend, shall have the Guardianship. 3 *Jac. c. 5.*

Husband is not chargeable with the Forfeiture of the Wife for not receiving the Sacrament, as enjoined by 3 *Jac. c. 4.* nor the Wife after his Death. 3 *Jac. c. 4.*

Feme Covert.

Being a Popish Recusant convict, and her Husband none, she not conforming by the Space of one whole Year before his Death, forfeits two Thirds of her Jointure or Dower, and shall not be Administratrix or Executrix to her Husband, and shall be taken as a Person excommunicated. 3 *Jac. c. 5.*

Not conforming within three Months after Conviction, may be committed by two Justices till she conform, unless her Husband will pay to the King 10 *s.* per Month, or a third Part of his Lands. 7 *Jac. c. 6.*

She shall not abjure the Kingdom. 33 *Eliz. c. 2.*

Guardian.

—See Executor.

Jesuits.

—See Priests.

Indict.

Recusants.

Indictment.

Indictment against Jesuit, Priest, or other Ecclesiastical Person, is good, though he is not in the Kingdom; which Indictment being found, and he not returning, after Proclamation, &c. it is as good as if a Verdict had passed against him. 27 *El.* c. 2.

Jurisdiction Ecclesiastical.

Jurisdiction Ecclesiastical is annexed to the Crown, and he who maintains the Power of any Foreign Prelate, &c. forfeits his Goods and Chattels, and if not worth 20*l.* at the Time of his Conviction, shall be committed for a Year without Bail.

Second Offence is a *Premunire*.

Third Offence is High Treason. 1 *El.* c. 2.

The two first of these Offences are inquirable by Justices in Sessions within a Year and a Day after they are committed. 5 *El.* c. 1.

Maintaining the Jurisdiction of Rome, is a *Premunire*. Justices in Sessions may hear and determine it. 5 *El.* c. 1.

Dyer 281. b.

For the first Offence, there is a Forfeiture of Goods and Chattels; and six Years after the Making this Statute, one of the Queen's Subjects knowing it was written in Books beyond Sea, against her Supremacy, and affirming the Jurisdiction of the See of Rome, imported and sold them here to some Persons, who likewise had heard what was contained in them; the Importer was guilty within the Statute, but not the Buyer; but if a Man buyeth such Books, and reads them, and in Dispute maintains the Books to be good, this is an Affirming the Jurisdiction, &c.

Justice of Peace.

Must acquaint a Privy Counsellor within fourteen Days after he shall have Notice of the Offenders bringing hither Crosses, Beads, &c. or offering them to be used, or incurs a *Premunire*. 13 *Eliz.* c. 2.

Not acquainting a Privy Counsellor within twenty-eight Days after a Jesuit or Priest, &c. shall be discovered to him, forfeits 200 Marks. 27 *Eliz.* c. 2.

Ladies Psalters. Legends. Manuals.

See Books.

Marriage.

Popish Recusant convicted of marrying otherwise than according to the Form of the Church of England, shall not be Tenant by the Curtesy; and if there is no Land of which he can be Tenant, &c. shall forfeit

Marriage.

feit 100 l. to the King and Prosecutor; if a Woman, she shall not have her Dower or Jointure, or Widow's Estate. 3 Jac. c. 2.

Mafs.

Saying Mafs, forfeits 200 Marks; hearing it 100 Marks, and may be committed for a Year, not to be enlarged till the Fine is paid; one Third of the Forfeiture is to the King, another to the Prosecutor, the other to the Poor, &c. * See Indictment for this Offence. Dyer 203. a. 231. b. Three Indictments against a Man for hearing three Masses on several Days, he shall pay but 100 Marks, and not so many for every Offence. Dyer 281.

Missals.

Primers.

See Books.

Pardon.

The King pardoned the Conviction; the Question was, Whether the Person pardon'd should be disabled to present so long as he remained a Recusant; because the Statute of 3 Jac. c. 5. is, That every Popish Recusant *convict* shall be disabled during the Time he remains a Recusant, but doth not say *convict*; but it was adjudged, That the Word *convict* should go thro' the whole Sentence. 3 Lev. 333.

Jesuits, Seminary Priests, &c. and other Ecclesiastical Persons, born within the King's Dominions, and made such by the Bishop of Rome, coming in, or remaining in the said Dominions, are guilty of Treason, and the Receivers, Aiders and Maintainers of them, knowing them to be such, are Felons. 27 Eliz. c. 2.

Priest.

Any knowing a Priest or Jesuit to be here, and not within twelve Days afterwards discovering him to a Justice of Peace, shall be committed and fined. 27 Eliz. c. 2.

A Jesuit must make such Submission as is mentioned in the Act of 35 Eliz. c. 2. and if he refuse to answer, shall be committed till he complieth: But making Confession (as in the Act) shall be discharged; but relapsing afterwards, takes no Benefit of that Law.

35 Eliz. c. 2.

The

Recufants.

The Person who within three Days after Notice of the Offence, shall discover to a Justice of Peace a Recusant, or him who doth entertain a Popish Priest, Jesuit, &c. shall be pardoned, and shall have a third Part of the Forfeiture; so that the Whole forfeited doth not exceed 150 l. and if above that Sum, then shall have 50 l. which, after Conviction of the Offender, by a Certificate from the Court where he was tried, directed to the Sheriff or other Officer, shall be paid out of the Money levied.

Priest.

Presentation.

See Pardon.

Shall not present to a Benefice, or grant the next Avoidance, but the Chancellors of *Oxford* and *Cambridge* shall have it; but they must not present one already beneficed. See *Advowson*. 1 *W. & M.* 26.

Portals.

—See Books.

Reconciled.

See Absolved.

And *per Stat. 3 Jac. c. 4.* to move any one to promise Obedience to the See of *Rome*, or other Prince, is High Treason in the Mover, and him that promiseth Obedience.

Must not remove five Miles from his Abode,
(Vide Abode.)

Must not come to Court, (*Vide* Court:)

**Recusant con-
vict.**

Must not
practise the
Art of

**Apothecary,
Civil Law,
Common
Law,
Phyſick.**

Or be an Officer
in any Court,
or amongst Sol-
diers, or in a
Castle, Fortrefs
or Ship.

The Penalty is 100 l. to be divided between
the King and Prosecutor. 3 Jac. c. 5.

Rofaries.

—See Books.

Sacrament.

—See Conforming.

Sending Relief to any brought up in the Seminaries, are guilty of a *Præmunire*.

**Seminaries,
and sending
beyond Sea.**

Those who are brought up there not in Orders, and not returning within six Months after Proclamation made for that Purpose, and submitting themselves to the King within two Days after their Return, either before the Bishop of the Diocese, &c. or two Justices, &c. and taking the Oath of Supremacy, &c. are Traitors. 27 *El. c. 4.*

Sending Persons beyond Sea to be instructed in the Popish Religion, forfeits 100 l. and the Persons sent are made incapable to take any Grant

Recusants.

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Seminaries,
and sending
beyond Sea.

Grant of Inheritance either to themselves or to any in Trust for them. * The Forfeiture is to be divided between the King and Prosecutor. 1 *Jac. cap. 4.*

* But per 11 & 12 W. the Forfeiture is to the Discoverer, and the Person convicting.

Children shall not be sent beyond Sea without License from the King, or six of his Privy Council, whereof the Principal Secretary of State to be one; and the Person sent is made incapable of enjoying his Lands by Descent or Grant, until (being of the Age of 18 Years) he take the Oath of Allegiance before some Justice of the Peace of the County where his Parents do or did dwell; and in the mean Time his next of Kin (not being Popish Recusants) shall have his Lands and Goods.

He that goes out of the Kingdom forfeits 100 *l.* between the King, Prosecutor and Poor. 3 *Jac. cap. 5.*

He who enjoys the Lands of such a Child, &c. shall be accountable to him when he conforms. 3 *Jac. cap. 5.*

Going beyond Sea, or being sent thither to be brought up in the Popish Religion, and being convicted thereof, shall be disabled to sue, or to be Executor or Administrator, or capable of a Legacy or Gift, or to bear any Office, and forfeits all his Goods and Chattels, and also his Lands and Offices during his Life.

But conforming within six Weeks after his Return, shall not be punished. 3 *Car 1. cap. 2.*

Notwithstanding all these Laws, the Parliament was of Opinion that Popery encreased; and therefore to prevent its Growth, a Law was made, That if any Person should take one or more *Popish Bishop, Jesuit or Priest*, and prosecute him till he is convicted of saying Mass, or of exercising any other Part of the Office or Function of a *Popish Bishop or Priest*, then such Person shall have a *Certificate* under the Hand of the Judge or Justices before whom the Party is convicted, certifying such Conviction, and that he was taken by the Party, &c.

11 & 12 W.

This Certificate must be carried to the Sheriff of the County within four Months after the Conviction, and after a Demand made, the Sheriff may pay the Taker 100 *l.* and if any Dispute happens about the Right to his Reward, the Judge, &c. who certifies, &c. shall by such Certificate direct how it shall be shared.

If the Sheriff die, or is removed before the End of four Months, the succeeding Sheriff shall pay it within two Months after Demand, or Certificate produced.

Sheriff not paying, forfeits 200 *l.* to be recovered by the Party, his Executors or Administrators, in any Court of Record; but if he pay it, then upon producing the Certificate or a Duplicate, the Lord Treasurer shall pay it out of the Revenue of the Crown.

If any *Papish Bishop, Priest or Jesuit*, shall be convicted of saying Mass, &c. or any Papist shall keep School, &c. and be convicted, &c. he shall be adjudged to perpetual Imprisonment, in such Place where the King, by Advice of his Council, shall think fit.

A Person educated in that Religion, and not taking the Oaths of Allegiance, &c. made *Anno 30 Car. 2.* within six Months after eighteen Years of Age, he shall be incapable (as to himself only) to inherit or take Lands by Devise, Descent, or Limitation; and that during his Life, or until he shall take the Oaths, the next of Kin, who shall be a Protestant, shall enjoy the Lands, and not be accountable for the Profits, but for Waste only.

* This Clause
is confirmed
by 3 Geo. c. 18.

* Every Papist after the 10th of *April 1700.* is made incapable of purchasing Lands, &c. either in his own Name, or in the Name of any Person to his Use, or in Trust for him.

And that after the said 10th of *April*, all Estates, Terms, and other Interests or Profits whatsoever out of Lands, to or for the Use of, or in Trust for such Person, shall be void.

But Foreign Priests, not Natives nor naturalized, officiating in Dwelling-houses of Foreign Ministers, are exempted, so as they enter their Names in the Office of the Principal Secretary, and the Place of their Birth, and to whom they belong.

22 A. c. 14.

Every Papist, or Child not being a Protestant, under the Age of Twenty-one Years, being the Child of a Papist; and every Mortgagee, Trustee, &c. for any such Papist or Child, shall be incapable to present to any *Benefice or Prebend*; and every such Presentation shall be void, and the Universities shall in such Case present as in the Act 3 *Jac. 1.* is directed.

As often as a Presentation shall be brought to the Ordinary from any Person reputed to be, or whom the Bishop shall suspect to be a Papist, or Trustee for any one of that Religion, he may tender to the Patron (if present) the Declaration 25 *Car. 2.* against *Transubstantiation*; and (if absent) he may by Notice in Writing, to be left at his Habitation, appoint a Time and Place for his Appearance before him, or before some other Person commissioned by him, and then tender the Declaration to the said Patron; and if he shall refuse it, or not appear, the Presentation shall be void; and then the Bishop shall within ten Days give a Certificate to the Vice-Chancellor of that University to whom the Presentation belongs, and for that Turn only 'tis vested in them.

The Bishop may examine the Presentee on Oath, before he give him Institution, whether to his Knowledge or Belief,

Recusants.

III

the Person who made the Presentation be his real Patron, and made it in his own Right, or whether he is not Trustee for a Papist; and if he refuse to be examined, or do not answer directly, such Presentation shall be void.

See the Act at Large.

A Papist having an Estate in Lands, &c. or one educated in the Popish Religion, or whose Parents shall be Papists, and he of full Age, and not taking the Oaths, by an Act of 1 Geo. and repeating and subscribing the Declaration by an Act 30 Car. 2. in some of the Courts at *Westminster*, or at the Quarter-Sessions of the County where his Lands lie, between the Hours of Nine and Twelve in the Forenoon; or in Default thereof, he, or his Trustee, not entering his Name and Lands in a Parchment Roll, and in what Parish they lie, and who are the Possessors thereof, and what Estate he hath in the same; and if let, then at what yearly Rent reserved; and if leased, then by whom such Lease was made, and what yearly Rent reserved, and what Fine or Money was paid for such Lease; and all this within six Months after he or his Trustees shall be in the actual Possession of the Profits, and the Time and Day of the Month and Year when such Entry shall be made; and not subscribing such Registry, either by himself, in the Presence of two Justices in open Sessions, or by some other Person authorized by Warrant of Attorney, under his Hand and Seal, attested by two Witnesses, who must prove the Execution thereof on Oath at the Quarter-Sessions, and two Justices then present shall subscribe their Names as Witnesses to such Entry, shall forfeit as followeth:

§. The *Fee-Simple* of his Lands, not registred, or fraudulently registred, and the full Value of the *Inheritance* of the Lands whereof he hath not the *Fee-Simple*, two Thirds to the Crown, the other to any Protestant who will sue for it in any Court of Record at *Westminster*, for which he may bring an Ejectment upon his own Demise; and if he prove the Lands to belong to a Papist, and he cannot prove that he took the Oaths, or that the Lands were registred, the Plaintiff shall have a Verdict, or he may exhibit a Bill in Chancery, to discover a Title, Incumbrances and Trusts, to which Bill the Defendant shall answer, and not plead or demur.

Persons beyond Sea, on the 18th of June 1716, and registring and subscribing, &c. on or before the 20th of May 1717. or at any other Time within six Months after, the same shall be effectual.

But if any Person after such Default or Fraud in registring, and before Conviction or Ejectment, or Suit brought for such forfeited Lands, shall for a valuable Consideration really convey,

vey, lease or mortgage them, the Purchaser, Lessee or Mortgagee; shall not be prejudiced, especially not knowing the Seller to be a Person within the Description of the Act; but such Seller shall forfeit the Value of the *Inheritance* to be distributed and recovered as aforesaid.

Farmer and Tenants at a Rack-Rent, or upon Lease, whereon two Thirds of the full yearly Value, or more, is reserved, shall not be compelled to register, &c. and no Creditor who hath any Charge upon the Estate shall be prejudiced; but then the Person making Default, or committing any Fraud in registering, shall forfeit the Value of such Charge; one third Part to the Prosecutor, the other two Thirds to the Crown.

Persons in the *East* or *West-Indies*, or *America*, shall have *twelve Months* longer than *six Months* before-mentioned.

The Clerk of the Peace shall keep a Parchment Book, in which he shall register the *Christian and Surnames* of all those who shall come in Person to be registred, and of those who shall send any Writing under his or her Hand, desiring him to register the same, and their Estates, in such Words as they shall send in any Writing signed as aforesaid, paying 3 *d.* for every two hundred Words, and delivering such Writing to him ten Days at least before the next Quarter-Sessions, which Names and Estates the Clerk of the Peace, or his Deputy, shall enter in such Parchment Book before the next Quarter-Sessions after such Delivery, to which Sessions he shall bring the said Parchment Book, and he shall keep Alphabetical Tables of the Surnames of those whose Names and Estates shall be registred, and of the Parishes where their Lands lie, which Tables must refer to the Place in the Parchment Book where their Names and Lands shall be registred, and he must file the Warrants of Attorney, and enter them on Record, and shall have 3 *d.* for entering two hundred Words, and 4 *d.* for a Search; and shall, if desired, give Copies of such Registries subscribed by himself, or Deputy, taking 3 *d.* for every two hundred Words of such Copy; the Clerk of the Peace neglecting or refusing, &c. and being thereof convicted, forfeits his Office.

3 Geo. c. 18. The Time of registering Estates is enlarged to the 20th of October 1717.

No Action shall be brought for any Penalty or Forfeiture for neglecting, or fraudulently registering, *after two Years*, after the Offence committed.

And that if the Manors, Lands and Farms, to be registred, lie in two Counties or more, the Registering shall be only in that County where the Manor-house, or Farm-house is, taking Notice that the same doth extend to another County.

And because some Doubts have arisen upon the Act 11 & 12 Will. concerning the Sale of real Estates of Papists, incurring the Disabilities in the said Act; therefore it was enacted by the Statute 3 Georgii, That no Sale of Lands for a valuable Consideration shall be impeached, which shall be made to a Protestant Purchaser by any Person in the Possession thereof, upon Pretence of any Disability incurred by the Person joining in such Sale, or by any Person from whom the Title is derived, unless before such Sale, the Person who is to take Advantage of such Disability shall have recovered the Lands, or have given Notice of his Claim to the Purchaser, or shall have entered his Claim in open Court, in the Quarter-Sessions of that County where the Lands lie, and hath *bona fide* pursued his Remedy in a proper Court of Justice to recover the same.

No Lands shall pass from any Papist, either by Deed or Will, unless the Deed shall within six Months after its Date, and the Will within six Months after the Death of the Testator, be enrolled in some Court at Westminster, or else by the *Custos Rotularum* of the County where the Lands lie, and two Justices, and the Clerk of the Peace, or two of them at least, whereof the Clerk of the Peace to be one.

And by Stat. 9 Geo. 1. c. 18. an additional Tax of 100,000 l. was laid on Papists Estates, besides the double Taxes laid by the Land-Tax Act; and also on such as should refuse to take the Oaths on Summons, &c.

And by 5 Geo. 1. c. 24. all Persons were to take the Oaths, or register their Estates as Papists, before two Justices, &c. on Pain of Forfeiture. But by 10 Geo. 1. c. 4. certain Persons are exempted from taking the said Oaths; and the Forfeiture made only a Year's Rent.

Also Leases made by Papists to any Protestant, whereon the full yearly Value, or the antient and accustom'd Rents are reserved, are declared to be good, tho' not enrolled, &c.

By 3 Geo. 2. c. 29. s. 6. Such Deeds, &c. are good if enrolled on 29 Sept. 1731. and by 9 Geo. 2. c. 14. they are made so, if enrolled by 29 Sept. 1736. except where Advantage was taken before 2 February 1735. and purchases made by Protestants for valuable Considerations are not to be avoided for Want of Inrolment, if no Advantage was taken before such Purchase, and if the Purchaser had not Notice that the Vendor was a Papist.

An Indictment for asserting the Jurisdiction of the Pope.

1 Eliz. c. 1.
5 Eliz. c. 1.
Prosecution
must be within
a Year after
the Offence.

* Dyer 281,
363.
Judgment:
First Offence
by the 1 Eliz.
c. 1. Forfeiture
of Goods and
Chattels, &c.
And by the
5 Eliz. c. 1.
'tis a Præmu-
nire.

Middlesex, **T**HE Jurors for our Sovereign Lord the King
to wit, upon their Oath present, That J. O. late of
W. in the County aforesaid, Clerk, on the fifth Day of April in
the ninth Year of the Reign of our Sovereign Lord George the
Second, now King of Great Britain, &c. at W. aforesaid in
the said County, did advisedly, maliciously and directly affirm
and defend in the Presence of divers Subjects of our said Lord
the King, the Spiritual Authority of the Pope, then being a fo-
reign Prince or Person, heretofore usurped within this Realm,
in these English Words following, that is to say, (here recite
the Words) * to the Intent to extol the said usurped Authority
of the Pope aforesaid, in great Derogation of the Authority and
Prerogative of our said Sovereign Lord the King, and against
his Crown and Dignity, and also contrary to the Form of the
Statute in such Case made and provided, and that T. P. of
W. aforesaid in the said County, Yeoman, knowing that the
said J. O. had spoke the Words aforesaid, and had extolled and
defended the said Authority of the Pope in Manner and Form
aforesaid afterwards, that is to say, on the sixth Day of April
in the ninth Year above-mentioned, at W. aforesaid in the said
County, did counsel and assist the said J. O. upon Purpose and
to the Intent to set forth the said usurped Authority of the Pope
to the pernicious Example of others, against the Peace of our
said Lord the King, his Crown and Dignity, and also contrary
to the Form of the Statute in such Case made and provided.

For persuading and endeavouring to with- draw one from Obedience.

23 Eliz. c. 1.
1 Jac. c. 4.

Sussex, to **T**HE Jurors for our Sovereign Lord the King
to wit, upon their Oath present, That W. B. of L.
in the said County, Gent. on the first Day of April in the ninth
Year of the Reign of our Sovereign Lord George the Second,
now King of Great Britain, &c. at L. aforesaid in the said
County, did wilfully and traiterously endeavour and by certain
Ways and Means put in practise to absolve, persuade and with-
draw one T. P. of L. aforesaid in the said County, Yeoman,
being a Subject of our said Sovereign Lord the King from his
natural Obedience, which he the said T. P. ought to bear to
our said Lord the King, to promise Obedience to the pretended
Authority

Recusants.

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Authority of the See of Rome, saying to the said T. P. these English Words following, that is to say (here recite the Words) against the Peace of our said Sovereign Lord the King, his Crown and Dignity, and also contrary to the Form of the Statute in such Case made and provided.

Against a Jesuit and his Receiver.

Suffex, to **T**HE Jurors, &c. That J. O. late of H. in 27 Eliz. c. 1. wit, the County aforesaid, Clerk, being born at H. aforesaid in the said County, and being made and ordained a Jesuit within one Year now last past, by pretended Authority derived from the See of Rome, on the ninth Day of September in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. and on divers other Days then next ensuing, did traitorously stay and remain at H. aforesaid in the said County, contrary to the Form of the Statute in such Case made and provided, and against the Peace of our said Lord the King, his Crown and Dignity, and that R. L. of H. aforesaid in the said County, Gentleman, afterwards, that is to say, on the said ninth Day of September in the Year above-mentioned at H. aforesaid in the said County, did wittingly, willingly and feloniously receive, relieve, comfort, aid and maintain the said J. O. being then and there at Liberty, and out of Hold, and the said R. L. then and there knowing the said J. O. to be a Jesuit as aforesaid, contrary to the Form of the Statute aforesaid, and also against the Peace of our said Lord the King, his Crown and Dignity.

Judgment:
High Treason
in the Jesuit;
Felony in the
Receiver.

A Priest going to Ireland was driven on Shore in England by Strefs of Weather, and immediately taken; and being indicted on this Statute was acquitted, because, properly speaking, he neither came or was sent hither. Raym. 377.

For saying and hearing Mass.

Suffex, to **T**HE Jurors, &c. That J. O. late of H. in 23 Eliz. c. 1. wit, the County aforesaid, Clerk, on the ninth Day of September in the ninth Year of the Reign, &c. at H. aforesaid in the said County, did willingly say and sing Mass, contrary to the Form of the Statute in such Case made and provided, and against the Peace of our said Lord the King, his Crown and Dignity, and that R. N. of L. in the County aforesaid, Gent. on the said ninth Day of September in the same

Judgment for
saying Mass
200 Marks.

Judgment for
hearing Mass,
100 Marks.

Year above-mentioned at H. aforesaid in the said County, was willingly present at the Time of the saying and singing of Mass aforesaid, and did then and there willingly hear Mass so said and sung as aforesaid, contrary to the Form of the Statute aforesaid, and also against the Peace of our said Lord the King, his Crown and Dignity.

Against one withdrawn from his Allegiance, &c.

3 Jac. c. 4.

Berkshire, **T**HE Jurors for our Sovereign Lord the King to wit, upon their Oath present, That W. P. late of N. in the County aforesaid, Gent. being born at C. in the said County, not having GOD before his Eyes, but being seduced by the Instigation of the Devil on the ninth Day of August in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. in no wise regarding his due Allegiance to our said Lord the King, at N. aforesaid in the said County, was willingly and traiterously absolved, reconciled and withdrawn from his natural Obedience, which he ought to bear to our said Lord the King, against his due Allegiance, and in Contempt of our said Lord the King and his Larvs, and against the Peace of our said Lord the King, his Crown and Dignity, and also contrary to the Form of the Statute in such Case made and provided.

Judgment :
High Treason.

For wearing an *Agnus Dei*.

13 Eliz. c. 2.

Suffex, to **T**HE Jurors, &c. That T. G. late of E. in the County aforesaid, Gent. being a Subject of our Sovereign Lord George the Second, now King of Great Britain, &c. on the ninth Day of September in the ninth Year of the Reign of our said Lord the King at F. aforesaid in the said County, did take and receive of one A. B. late of C. in the County aforesaid, Gentleman, a certain Thing called by the Name of *Agnus Dei*, which the said A. B. brought from foreign Parts into this Realm of England, knowing that the said Thing, called by the Name of *Agnus Dei*, was specially halloved and consecrated by the Pope or Bishop of Rome in his own Person, and that the said T. G. afterwards, that is to say on the said ninth Day of September in the same Year above-mentioned, and on divers other Days and Times at F. aforesaid in the said County, and in divers other Places, did superstitiously wear and use the said Thing called by the Name of *Agnus Dei*, against his Allegiance, contrary to the Form of the

Recusants. Religion.

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the Statute in such Case made and provided, and also against Judgment: Præmunire.
the Peace of our said Lord the King, his Crown and Dignity.

Against a Recusant for not causing his Child to be baptized at the Church.

Suffex, to **T**HE Jurors for our Sovereign Lord the King 3 Jac. c. 5.
 wit, upon their Oath present, That T. K. late of
 S. in the County aforesaid, Esq; on the ninth Day of Septem-
 ber in the ninth Year of the Reign of our Sovereign Lord
 George the Second, now King of Great Britain, &c. being a
 Popish Recusant on the said ninth Day of September in the
 Year above-mentioned, had a Male Child born within the Pa-
 rish of S. aforesaid, and that the said T. K. did not within
 one Month next after the Birth thereof, cause the said Male
 Child to be baptized by a lawful Minister according to the
 Laws of this Realm, in the open Church of the Parish afo-
 said, nor in any other Church near adjoining, or Chapel where
 Baptism is usually administred, the said Male Child not ha-
 ving any Infirmity, by Reason whereof it could not be brought to
 such Place aforesaid, contrary to the Form of the Statute in such
 Case made and provided, and also against the Peace of our
 said Lord the King, his Crown and Dignity.

Judgment:
 Forfeits One
 hundred
 Pounds.

Release. See Recognizance.

Religion. See Blasphemy.

BY Stat. 9 & 10 W. 3. c. 32. Persons educated in, or
 having made Profession of the Christian Religion, that
 shall by Writing, Printing, Teaching, or advised Speaking,
 deny any one of the Persons in the Trinity to be GOD, or
 assert or maintain that there are more Gods than one, or de-
 ny the Christian Religion to be true, or the Holy Scriptures
 of the Old and New Testament to be of Divine Authority,
 shall for the first Offence, on a legal Conviction, be incapa-
 ble to have or enjoy any Office or Employment, &c. and
 on a second Conviction disabled to sue, prosecute, plead or
 use any Action (Suit) or Information in Law or Equity, or to
 be Guardian, Executor or Administrator, or of any Legacy
 or Deed of Gift, or to bear any Office, &c. for ever, and
 also to suffer three Months Imprisonment from the Time of
 such Conviction, without Bail or Mainprize. But note;

None are to be prosecuted on this Act for Words spoken unless Information thereof be on Oath before *one Justice of Peace* within four Days after, and the Prosecution to be within three Months after such Information.

And Persons convicted of any of the said Crimes shall for the first Offence (on renouncing such erroneous Opinions in the Court where convicted, within four Months after the Conviction) be discharged from all Penalties and Disabilities incurred by such Conviction.

Rescous.

THIS is a Resistance against a lawful Authority, and by Violence taking away a Prisoner, or procuring his Escape.

If the Person rescued hath committed *Felony*, and was arrested for it, then rescuing him is *Felony*; but if he was not arrested, then the Opposing or Hindring any Person to apprehend him is a *Misdemeanor*, but not *Felony*.

Sid. 352.

But if the Rescuor shall not be arraigned of the *Felony* till the Principal is attainted; and if he die before Attainder, the *Felony* is discharged; but he shall be indicted, fined and committed for rescuing him. *Hale Pl. Coron. 116.*

Dyer 352. B.

Indictment for a Rescous was *quod arrestavit* (that he arrested), without saying, *& in custodia sua habuit* (and had in his Custody), and for this Reason it was quashed; tho' in the same Indictment it was alledged, That the Defendant rescued him out of the Possession of the Bailiff.

The Indictment was, That *Fisher on such a Day and Year, &c. at H. feloniously cut a Purse, and took 40s. and that he was arrested for the said Felony at H. aforesaid, and that the Bailiff had him then and there in his Custody until one Fox assaulted him, and then and there took him out of his Custody, &c.* the Question was, Whether the Time of the Arrest and Rescous were certain by this Indictment; that is, Whether the Words *then and there* shall refer to the Arrest? Or whether the Sentences were distinct? There were different Opinions in the Case; so it was not adjudged. But I can see no Reason why these should not be taken to be distinct Sentences, and that the Words *then and there* in the first Sentence should relate to the Arrest, and in the other to the Rescous.

An Indictment more incertain than the former was held good; as where *vi & armis* was omitted, and not supplied by *manu forti*, and the Place where the Rescous was made

was

was likewise left out; yet it was held, That it must be intended to be in the Place where the Arrest was, and that the Word *rescussit* implies it was done with Force. 'Tis true, there is a Case where the Omission of the Words *vi & armis* ^{2 Bulst. 205.} made the Indictment ill; but then it doth not appear by the Book that the Word *rescussit* was in.

An Indictment for a Rescous from a Sheriff's Bailiff.

Suffex, to **T**HE Jurors for our Sovereign Lord the King wit, upon their Oath present, That whereas W. E. Esq; Sheriff of the County of Suffex aforesaid, by Virtue of a Writ of our Lord the King to him directed, at H. in the County aforesaid, did make his Warrant or Precept in Writing bearing Date the third Day of September in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. and directed it to one R. T. his Bailiff, thereby commanding him to take one H. B. of H. aforesaid in the said County, Gent. if he might be found in his Bailiwick, and safely keep him, &c. to answer our said Lord the King of divers Trespasses and Contempts by him committed, at the Suit of S. B. in the Chancery of our said Lord the King at Westminster, as by the said Writ was required; by Virtue of which said Warrant, the said R. T. afterwards, that is to say, on the said third Day of September in the same ninth Year above-mentioned at L. in the County aforesaid did take and arrest the said H. B. and him so arrested then and there had in his Custody, and that afterwards one J. O. of I. aforesaid in the said County, Yeoman, on the said third Day of September in the ninth Year above mentioned at L. aforesaid in the said County, with Force and Arms, did make an Assault upon the said R. T. and did then and there beat, wound, and evil treat the said R. T. and then and there with Force and Arms did rescue the said H. B. out of the Custody of the said R. T. to the bad Example of other Offenders in the like Case, and against the Peace of our said Lord the now King, his Crown and Dignity.

For Rescuing of a Felon from a Constable.

Suffex, to **T**HE Jurors for our Sovereign Lord the King wit, upon their Oath present, That whereas one H. P. of L. in the County aforesaid, Esq; on the eleventh
I 4 Day

Day of September in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. being one of the Justices of our said Lord the King for the County of Sussex assigned to keep the Peace, and also to hear and determine divers Felonies, Trespases, and other Misdemeanors committed in the said County on the said eleventh Day of September in the same Year above-mentioned at L. in the County aforesaid, did make a certain Warrant or Precept in Writing, and did direct and deliver the same to one J. O. of H. in the County aforesaid, Yeoman, being then Constable of the Parish of H. aforesaid in the said County, by which said Warrant the said J. O. being Constable as aforesaid, was commanded to take the Body of one H. B. of H. aforesaid in the said County, Gent. and to bring the said H. B. before the said H. P. or any other Justice of the Peace for the County aforesaid, to examine him concerning the felonious Taking of twenty Sheep of the Goods and Chattels of one R. C. which said J. O. the Constable aforesaid afterwards, that is to say, on the said eleventh Day of September in the same Year above-mentioned at H. aforesaid in the said County, by Virtue of the said Warrant did take and arrest the said H. B. and him so arrested then and there had in his Custody; and that afterwards one F. C. of H. aforesaid in the said County, Gent. well knowing that the said H. B. was arrested by J. O. the Constable aforesaid, as is before related, and that he was in his Custody on the said eleventh Day of September in the same Year above-mentioned at H. aforesaid in the said County, with Force and Arms then and there did feloniously rescue the said H. B. out of the Custody of the said J. O. and did suffer the said H. B. to go at large, wheresoever he was willing, to the great Contempt of our said Lord the King, and to the bad Example of other Offenders in such like Case, and also against the Peace of our said Lord the King, his Crown and Dignity.

For Rescuing one put into the Stocks upon Suspicion of Felony.

Kent, to **T**HE Jurors, &c. That one J. O. of H. in
 wit, the said County of Kent, Yeoman, on the eleventh Day of September in the ninth Year of the Reign, &c. at L. in the County aforesaid, was taken and arrested by T. P. of H. aforesaid, upon Suspicion of a certain Felony, that is to say, for Stealing of an Horse of him the said T. P. and that the said J. O. immediately afterwards was delivered by the said T. P. to one W. V. being then Constable of the Hundred of S. (in which said Hundred the Town of H. is situated); which said Constable afterwards, that is to say, on the said eleventh

Rescous. Restitution of Stolen Goods.

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eleventh Day of September in the same Year above-mentioned at H. aforesaid in the said County, did put the said J. O. into the Stocks, there to keep him safely, till the said Constable could get help to carry the said J. O. to be examined before any Justice of the Peace of our said Lord the King for the County aforesaid, and that afterwards, that is to say, on the eleventh Day of September in the same Year above-mentioned, one J. S. of H. aforesaid, Smith, with Force and Arms, at H. aforesaid in the said County, did break the said Stocks, and did feloniously take and rescue the said J. O. then and there being in the Stocks aforesaid, for the Cause aforesaid, and did suffer the said J. O. to go at large, wheresoever he was willing, against the Peace of our said Lord the King, his Crown and Dignity.

Restitution of Stolen Goods.

AT the Common Law, the Owner of Goods stolen could not have Restitution upon an Indictment against the Felon, tho' he was freshly pursued, because the Prosecution was at the Suit of the King; it was otherwise upon an Appeal, because that was at his own Suit.

But this may be remedied by the Statute of 21 H. 8. c. 11. Noy 128. for if the Felon be found guilty, or attainted at the Prosecution of the Party robbed, or Owner of the Goods, the Justices have Power to award Restitution of the Goods stolen.

A Man stole Cattle and sold them in open Market, the Sheriff seized the Thief and the Money, and he was convicted and hanged at the Prosecution of the Owner of the Cattle, and he had Restitution of the Money; for though the Statute gives Power to the Justice to award Restitution, &c. of the Goods stolen; and tho' the Money in this Case was not stolen; yet because it did arise by stealing, it shall be within the Equity, tho' not in the very Words of the Statute.

This my Lord Coke calls a Beneficial Law, because it giveth the Party robbed a more speedy Remedy than by way of Appeal, which before this Statute he ought to bring, or he could have no Restitution: And because it is beneficial, therefore it hath been held to extend to the Executors or Administrators of the Party, though they are not mentioned in the Statute.

In some Cases there can be no Restitution; as if the Felon sells the Goods in a Market, &c. and is afterwards convicted, the Property is altered by the Sale; or if he waive them and escapeth, and it is not known who he was, the Lord having seised, the Owner cannot have Restitution, because

Restitution of Stolen Goods. Riot.

the Felon cannot be indicted or attainted; but if Plate is sold in a Scrivener's Shop, it shall be restored upon Conviction, &c. because such a Shop is not a proper Market for such Goods.

But notwithstanding the Cases above-mentioned, the Practice hath been otherwise ever since 4 & 5 Car. 1. for if the Criminal is convicted at the Prosecution of the Party who lost the Goods, he shall have Restitution, though they were sold in a Market Overt; and if the Party who bought them, pleads it to a Writ of Restitution brought, the other upon a Demurrer to such a Plea will have Judgment.

This Resolution tends to the Advancement of Justice, to make Men vigilant in prosecuting Offenders, and it will discourage Persons from buying Goods for a small Value in a Market of such whom they have Reason to suspect. *Kelynge 48. Coke, Magna Charta 714.*

But if Goods are stolen, and not waived in Flight, or seized by a proper Officer, there the Party may take his Goods again, though he doth not prosecute; but if waived or seized, the Party shall have no Restitution until Conviction at his Prosecution, and even in such Case he shall have no more than what is mentioned in the Indictment, though other Goods were stolen at the same Time; and the Reason is, because by such Omission, the Offender might have escaped.

Riot.

THIS is where *three or more* meet, to do an unlawful Act with Force, and accordingly execute the same; for if they do not, it is only an unlawful Assembly.

But it can be no Riot, except there is a *precedent Intent* to do an unlawful Act, and that with Force.

1 Geo. c. 6.

But now by the Act 1 *Georgii*, If twelve are unlawfully assembled, one Justice, Sheriff, &c. on Notice of such Assembly, shall come as near them as he can without Danger; and having commanded Silence, shall make this Proclamation, or the like in Effect:

To wit, *Our Sovereign Lord the King chargeth and commandeth all Persons being assembled, immediately to disperse themselves, and peaceably to depart to their Habitations, or lawful Business, upon the Pains contained in the Act, made in*

the

the first Year of King George, for preventing Tumults and riotous Assemblies.

God save the King.

If after Proclamation made, such Rioters do not disperse within an Hour, it is Felony without Benefit of Clergy; and if they are killed, he who kills them is indemnified.

Such Persons demolishing any *Meeting-house, Dwelling-house, or Barn*, shall be Felons without Benefit of Clergy; and the City, Town or Hundred, where it was done, shall yield Damages to the Party injured; to be recovered against any Two of the Inhabitants, in the Name of the Rector.

Persons opposing with Force, or hurting him who begins to make Proclamation, so that it cannot be made, shall be Felons without Benefit of Clergy; and twelve continuing together afterwards, shall be Felony without Benefit of Clergy.

Prosecution, &c. must be within twelve Months after the Offence.

Assembly.	{ Meeting together, and they know not for what.	What Persons meeting in Numbers shall not make a Riot.
Bailiff,	— Requiring People to assist him, &c.	
Bear-baiting,	{ Meeting at these Sports.	
Bowls,		
Bull-baiting.		
Cards,	— Meeting to play at Cards.	
Constable,	— Assembling Persons to assist him, &c.	
Dancing,	{ Persons meeting at these Sports.	
Dice,		
Foot-ball.		
Infants,	{ Meeting in Numbers, not incited by a Man of Discretion.	
Jury,	— Falling out and fighting.	
May-day,	{ Meeting to dance, or to be merry on those Days.	
Midsummer,		
Numbers,	{ Of Men meeting to carry away a Thing of a Burden, to which one claims a Right, tho' he hath none, so as they use no threatening Words.	
Sheriff,	— Assembling Persons to assist him.	
Sports,	— Meeting to play at any Sport.	
Stage-play,	{ Causing a great Number to meet, it is a Riot. Roll. 109.	
Servants,	{ No Riot in them if they go with their Master, who intends to commit a Riot, and they are ignorant of his Intentions.	
Threatened,	{ Threatened to be beaten in his House, if he get a Company to defend himself, otherwise	

1 wife if threatened to be beat going to Market.

Women.

—Meeting in Numbers.

What one Justice may do.

Having Notice of a Riot, he must endeavour to remove it; he may bind the Rioters to the Good Behaviour; and if they have no Sureties, or refuse to be bound, he may commit them; and if the Justice neglects, he is to be fined; and the two next Justices to the Place, where the Riot was committed, forfeit 100 l. to the King, if they neglect (*Having Notice*) to suppress a Riot.

One Justice sitting in a judicial Place, and seeing a Riot, may record it upon his own View, which is not traversable, because he then acts as a Judge; but it is otherwise if he do not sit in such Place.

What he cannot do.

But when a Riot is over, he cannot meddle, but only proceed against the Offenders as Trespassers against the Peace.

He cannot *fine* them, for this must be done by two Justices, by Virtue of the Statute of 13 H. 4. c. 7.

What the two Justices must do upon the Statute of 23 H. 4. c. 7.

They ought to send to the Sheriff or his Deputy, who by that Statute seem to have a concurrent Jurisdiction with them in fining the Offenders; and therefore upon a Writ of Error brought, the Judgment was reversed where a Fine was set without the Sheriff. *Raym.* 386.

They must have Notice of the Riot, or else they are not punishable. *Dyer* 210.

But yet it is the Opinion of Mr. *Lambard*, that they without the Sheriff (if they see a Riot) may commit the Rioters, take away their Weapons, and appraise them for the Use of the King, and justify the Beating and Killing, if opposed.

Adjudged that where Rioters are convicted upon View of two Justices, the *Sheriff* must be a Party to the Inquisition; and this is by Virtue of the Statute 13 & 14. but if they disperse themselves before Conviction, the Sheriff need not be Party; for in such Case the two Justices may make Inquisition without him; for this is *pro Domino Rege* (for our Lord the King); but if the Justices make no Inquisition within a Month after the Riot, they are punishable, but the Lapse of a Month doth not determine their Authority to make Inquisition, it only subjects them to a Penalty for not inquiring before.

2 Salk. 593.

Indictment against the Defendants for that they *riotose, routose & illicite se assemblerunt, & sic assembleti insultum fecerunt, &c.* (riotously, routously and illegally assembled themselves, and being so assembled made an Assault, &c.)

Two were found guilty, and the Rest acquitted, but the Verdict was set aside because two could not be guilty of a Riot, and by Consequence all are acquitted.

2 Salk. 595.

Adjudged that where four are indicted for a Riot, if it appear that they *assembled lawfully* without an ill Intent, and an *Affray* happened amongst them, none are guilty but those who

who are actually concerned in it; but if they were *unlawfully assembled*, then the Act of one may be imputed to all.

They may record what is done in their View, which being a Conviction, they may *fine* the Offenders, and commit them till paid; but Mr. *Dalton* says, the best Way is to certify this Record into *B. R.* that they may be fined there.

If they escape being taken by the Justice, this Record being certified as aforesaid, Process shall issue out against them out of *B. R.*

The Justices may likewise grant a Warrant to those who escape, and bind them to Good Behaviour, or commit them when taken.

A Town in *Devonshire* was indicted for suffering idle Persons to meet and hold Assizes in Mockery of a Court of Justice; so where one *Gladman* took upon him to be a mock King, and went to the Priory of *Norwich* with a Crown of Paper on his Head, with a riotous Assembly, the Liberty was seized. 1 Cro. 252, 507. Cro. Car. 306;

Several were indicted for a Riot, in rescuing a Person from an Arrest near *Charing-Cross*, and were fined 500 l. the Chief of them being a Cocker with a Sword in his Hand, and a Kettle on his Head; and so he stood in the Pillory, and the Rest likewise.

Information against the Defendants, for that they *vi & ar-* 2 Salk. 594; *mis, clamoribus & vociferationibus illicite, riote & route* (with Force and Arms, Clamour and Noise, illegally, riotously and routously) did hinder the Bailiffs and Burgeses of *B.* who were assembled on such a Day, &c. to chuse a Bailiff for the said Borough, &c. to proceed to the Election, &c. the Defendants were found guilty, but the Verdict was set aside, because a Riot is a compound Offence, for there must be an *unlawful Assembling* of more than two Persons, and not only so, but there must be an *unlawful Act* done by them; now this Information did not set forth that the Defendants were *unlawfully assembled*, nor that the Bailiffs and Burgeses had any Right to assemble to chuse a Bailiff, so that they might meet to do an unlawful Act themselves, and then 'tis not unlawful to disturb them.

The Form of the Record of a Riot upon View.

Suffex, to **B**E it remembred, That on the twenty-ninth Day 13 H. 4. c. 7. wit, **B** of September in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain,

* Or one Justice may make a Record, but not upon this Statute. The Record of one Justice is traversable, but not of Two, because 'tis pursuant to the Statute.

Britain, &c. * *We H. P. and G. N. Esquires, two of the Justices of our said Lord the King assigned to keep the Peace in the County aforesaid; and Sir F. R. Baronet, then Sheriff of the said County, upon the Complaint and humble Supplication of T. B. of H. in the County aforesaid, Yeoman, went in our own Persons to the Mansion-house of the said T. B. in the Parish of H. in the County aforesaid, and then and there we saw R. O. of H. aforesaid, Labourer, and T. P. of B. in the said County, Yeoman, and other Offenders and Disturbers of the Peace of our said Lord the King, unknown to us (to the Number of seven Persons) armed with Swords, Staves, Daggers, Guns and Bills, and unlawfully and riotously assembled at the said House, threatening great Damage to the said T. B. in Disturbance of the Peace of our said Lord the King, and to the Terror of his People, and contrary to the Form of the Statute in such Case made and provided, and therefore we the said H. P. and G. N. caused the said R. O. and T. P. then and there to be arrested, and to be carried to the next Gaol of our said Lord the King in the County aforesaid, being convicted by our View and Record of an unlawful Assembly, Rout, and Riot aforesaid, there to remain till they shall have made Fine and Ransom to our said Lord the King. In Witness whereof we have set our Seals to this our present Record. Dated at H. aforesaid the Day and Year above-mentioned.*

This Record must be certain as to the Time, Place, Number, Weapons, Manner, and other Circumstances, because 'tis a Judgment, and not traversable; for if upon Examination it appears to be no Riot, or that the Justices did not see it, yet the Parties are concluded.

But for committing without recording, or making a Record without committing, the Justices forfeit 100 l.

Information against two Justices for not enquiring into a Riot, and found against one of them, is good. *Rel. Rep.* 109.

The City of London was fined 1000 Marks when Doctor Lamb was killed in a Riot. *Pasch. 8 Car. 1.*

After the Riot is committed, (if not within the View of the Justices) and the Rioters are gone, the two Justices within a Month may make a Precept to the Sheriff to summon a Jury to enquire of it; and if 'tis found, then they may commit the Offenders, and certify the Inquisition into B. R. that they may be fined, which should not be less than 10 l. for the Principal. *Style 303.*

The Form of the Precept for summoning a Jury.

Suffex, to **H.** P. and W. N. Esquires, two of the Justices of our said Lord the King assigned to keep the Peace in the County aforesaid, and also to hear and determine divers Felonies, Trespasses, and other Misdeeds committed in the said County, To the Sheriff of the said County, Greeting: On the Behalf of our said Lord the King we command you, that you cause to come before us at H. in the County aforesaid on the twenty-ninth Day of September next ensuing twenty-four honest and lawful Men of the County aforesaid, every one of which to have Lands and Tenements within the said County to the yearly Value of twenty Shillings of Charter-Land or Freehold, or of twenty-six Shillings and eight Pence being Copyhold, over and above all Charges, to inquire for our said Sovereign Lord the King, and for our Security in this Behalf upon their Oath of a certain Riot, Rout, and unlawful Assembly lately committed at H. aforesaid in the said County, as it is alledged, and that you return upon every Person so by you impanelled in Issues twenty Shillings, to be forfeited by them, if they appear not, and be sworn to inquire of the Premises at that Day, and this you must in no wise omit under the Penalty of twenty Pounds, and do you then have there the Names of those Jurors and this Precept. Given under our Seals at H. aforesaid, the twentieth Day of August in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c.

19 H. 7. c. 13.
Two Justices
within a
Month after
the Riot done.
13 H. 4. c. 7.

The Form of the Inquisition.

Suffex, to **A** N Inquisition for our Sovereign Lord the King taken at L. in the County aforesaid on the twenty-ninth Day of September in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. upon the Oath (of the Jury) honest and lawful Men of the County aforesaid, before H. P. and W. N. Esqrs; two of the Justices of our said Lord the King, assigned to keep the Peace in the County aforesaid, and also to hear and determine divers Felonies, Trespasses, and other Misdeeds committed in the said County, which said Jurors upon their Oath aforesaid say, that R. O. of H. in the County aforesaid, Yeoman, and other Offenders and Disturbers of the Peace of our said Lord the King to the Jurors aforesaid unknown, on the twentieth

tieth Day of September last past, with Force and Arms, that is to say, with Staffs, Swords, Daggers, Guns, Bills, and other offensive Weapons, between the Hours of ten and eleven of the Clock in the Afternoon of the same Day, did unlawfully and riotously enter into the Messuage of H. R. situate in the Parish of H. aforesaid, and did beat, wound, and make an Assault upon him the said H. R. in Disturbance of the Peace of our said Lord the King, and to the Terror of his People; and contrary to the Form of the Statute in such Case made and provided.

Inquiry.

This Inquiry within the Month must be intended of great Riots; for by Virtue of their Commission, the Justices may inquire into small Riots at any Time afterwards; so that the Limitation of a Month seems to prevent the Forfeiture of 100 l. by the two next Justices, in Cases of great and notorious Riots, they neglecting to make Inquiry within that Time.

But if they inquire afterwards, the Indictment shall not be quashed for that Reason, because a Riot is an Offence at Common Law, and the Statute is not Penal, but only Directory to the Punishment. *Sid.* 186.

After the Riot is found upon this Inquisition, the Justices may award a *Venire facias* directed to the Sheriff of the County under their own *Teste*, commanding him to cause the Offenders to appear before them; (the Form thereof you may see before in Process on Indictments.)

This is only where the Offenders cannot be taken, and so if the Sheriff return *Non est inventus* (that he is not to be found), you may proceed to the Outlawry.

But if they appear, the Justices may fine them, and commit them till paid, or may take Sureties by Recognizance to pay the Fine, or may accept a Traverse; which Inquisition and Traverse must be sent to the next Sessions, or into B. R. there to be tried.

The Form of the Traverse, and the whole Record.

Suffex, to. **A**T the Sessions of the Peace held at L. in the County aforesaid heretofore; that is to say, on Thursday the ninth Day of October in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. before H. P. and W. N. Esquires, and others their Companions, Justices of our said Lord the King, assigned to keep the Peace in the County aforesaid, and also to bear and determine divers Felonies, Trespasses, and other Mis-

deeds

Deeds committed in the said County upon the Oath of twelve honest and lawful Men, it is sworn and presented, that R. O. of H. in the said County, Yeoman, and T. P. of B. in the County aforesaid, Yeoman, with divers other Offenders unknown, with Force and Arms, that is to say, with Staffs, Swords, Daggers, Guns, Bills, and other offensive Weapons on the twenty-ninth Day of September in the said ninth Year above-mentioned, between the Hours of ten and eleven of the Clock in the Afternoon of the same Day, at H. aforesaid in the said County, did riotously break and enter the Close and House of the said R. N. and did then and there beat the said R. N. against the Peace of our said Lord the King, and contrary to the Form of the Statute in such Case made and provided; therefore the Sheriff of the County aforesaid was commanded that he should cause to come before, &c. (here recite the Venire facias.) And afterwards, that is to say, on the nineteenth Day of the said Month of October in the same Year above-mentioned, the said R. O. and T. P. did come before the said Justices in their proper Persons, and having understood and heard the Indictment aforesaid, do severally plead, that they are not guilty thereof, and thereupon they put themselves upon their Country, and W. W. (who prosecutes for our Lord the King in this particular) does the like, therefore let a Jury come before the Justices of our said Lord the King assigned to keep the Peace in the County aforesaid, at the Sessions of the Peace to be held at L. on Thursday the said ninth Day of October then next ensuing, who are in no Ways of Kin either to the said W. W. (who prosecutes for our said Lord the King in this particular) or to them the said R. O. and T. P. to take Cognizance upon their Oath of the whole Truth of the Premises, because as well they the said R. O. and T. P. as the said W. W. (who prosecutes for our said Lord the King in this particular) have put themselves upon that Jury; the same Day is given to the said R. O. and T. P. at which said Sessions of the Peace held at L. aforesaid in the said County on Thursday the ninth Day of October aforesaid in the said ninth Year above-mentioned, come as well the said W. W. (who prosecutes for our said Lord the King in this particular) as the said R. O. and T. P. in their proper Persons before the said H. P. and W. N. Esquires, and others their Companions, Justices of our said Lord the King assigned to keep the Peace in the County aforesaid, and also to hear and determine divers Felonies, Trespasses, and other Misdemeanors committed in the said County; and the Jurors aforesaid being impanelled by the Sheriff of the said County for this Purpose, and having been called, that is to say, (here Name the Jury) likewise did appear, who being sworn to declare the Truth concerning the Premises, do declare upon their Oath that they the said R. O. and T. P. are, and each of them is guilty

Riot.

of the Trespass and Riot within specified, in Manner and Form as within is alledged against them; therefore it is considered by the Court, that the said R. O. and T. P. be committed to satisfy our said Lord the King for their Fines by the Occasion of the Trespass and Riot aforesaid, which said R. O. and T. P. then and there being present in Court aforesaid, prayed that they might be fined to the Use of our said Lord the King upon the Account aforesaid, and thereupon they severally put themselves upon the Mercy of our said Lord the King; and the Fine of the said R. O. is assessed by the Justices aforesaid to five Pounds, and the Fine of the said T. P. is assessed by the said Justices to ten Pounds, to the Use and Beboof of our said Sovereign Lord the King, &c.

The Charges of the Justices and Jury are to be paid by the Sheriff out of these Fines, and therefore by the Statute of 2 H. 5. c. 8. the Fines may be increased, and an Indenture being made between the Justices and the Sheriff, he is to be allowed it in passing his Account in the Exchequer.

Certificate.

If the Truth of the Riot cannot be found by this Inquisition, then within a Month afterwards, the same Justices and Sheriff must certify into B. R. so much of the Fact as appears to them, together with the Names of the principal Offenders, and the Circumstances and Impediments why the Truth was not found, *sub pœna 20 l.*

This Certificate may be by Way of a Letter comprehending the whole Truth, with the Time, Place, &c. and if any material Thing be left out of the Inquisition, it may be supplied in the Certificate.

But if the Sheriff die, or the Justices are put out of Commission before the Certificate made, it cannot be done afterwards.

A Mittimus to the Gaol upon View, &c.

To the Constable, &c.

Or this may be Middlesex, to **U**Pon Complaint made unto us, H. P. and by one Justice. wit, A. S. Esqrs; two of his Majesty's Justices of the Peace for the County aforesaid, by T. P. of, &c. we did this present 30th Day of September go to the House of, &c. and there we did see R. O. J. S. and others, assembled together in a riotous and unlawful Company, at H. aforesaid, to the Terror of the People, and against the Peace of our Sovereign Lord the King, and against the Form of the Statute in that Case made and provided: We do therefore herewithal send you the

Bodili

Bodies of the said R. O. and J. S. they being convicted of the said Riot, and unlawfully assembled, by our own View, Testimony and * Record; commanding you the said Gaoler to receive * You must be them into your Custody, and safely to keep them until they shall ^{sure to record} from thence be delivered by due Course of Law. And hereof ^{it. Ut prius.} fail not. Given, &c.

An Indictment for a Riot.

Suffex, to **T**HE Jurors, &c. That J. O. late of H. in the County aforesaid, Yeoman, R. O. late of, &c. and R. W. late of, &c. on the sixth Day of March in the ninth Year of the Reign, &c. at H. aforesaid in the said County, with Force and Arms, that is to say, with Swords, Staffs, Guns and Daggers, did riotously and unlawfully meet and assemble themselves together to disturb the Peace of our said Lord the now King, and being so assembled and met together did then and there make an Assault in and upon one T. P. then being in the Peace of GOD, and of our said Lord the King, and did then and there beat, wound, and evilly treat the said T. P. and did other Injuries to him, to the great Damage of him the said T. P. and against the Peace of our said Lord the King, his Crown and Dignity, and also † contrary to the Form of the Statute in such Case made and provided.

† If these Words are omitted, the Indictment is not good.

Riot in cutting and carrying away Corn.

Middlesex, **T**HE Jurors, &c. That J. O. late of H. &c. to wit, R. O. late of, &c. and T. P. late of, &c. having assembled themselves with many other Offenders, and Disturbers of the Peace of our said Lord the King unknown, to the Number of eleven Persons, on the third Day of April in the ninth Year of the Reign, &c. at H. aforesaid in the said County, with Force and Arms, that is to say, with Swords, Staffs, Guns and Scithes, and other offensive Weapons did unlawfully and riotously assemble and meet together, and did then and there unlawfully break and enter the Close of one T. R. situate at H. aforesaid in the said County, and did unjustly and riotously carry away twelve Loads of Corn there lately growing, of the Value of, &c. of the Goods and Chattels of the said T. R. against the Peace of our said Lord the King, his Crown and Dignity, and also contrary to the Form of the Statute in such Case made and provided.

For a Riot in a Park.

Suffex, to **T**HE Jurors, &c. That R. O. late of, &c. wit, and T. P. late of, &c. on the third Day of September in the ninth Year of the Reign, &c. with Force and Arms, that is to say, with Guns, Staffs, Swords and Daggers, did unlawfully and riotously assemble themselves and meet together in the Close and Park of one J. S. Esq; situate at R. in the County aforesaid, to disturb the Peace of our said Lord the King, and did then and there make an Assault upon one W. M. Yeoman, Keeper of the Park aforesaid, and upon R. W. Servant of the said J. S. (being in the Peace of GOD, and of our said Lord the King) and did wound the said R. W. with the said Guns loaded with leaden Bullets, which the said R. O. J. O. and T. P. then and there had and held in their Hands, giving to the said R. W. one mortal Wound with the said leaden Bullets upon the right Part of his Breast, of the Depth of Half an Inch, and of the Breadth of one Inch, so that his Life was despaired of, and did other Injuries to them, to the great Damage of them the said W. M. and R. W. against the Peace of our said Lord the King, his Crown and Dignity, and also contrary to the Form of the Statute in such Case made and provided.

For a Riot in pulling down Hedges, &c.

* If there is no Suffex, to **T**HE Jurors, &c. That R. O. * late of, &c. Addition of wit, and T. P. late of, &c. having assembled Place, the In- themselves with other Offenders and Disturbers of the Peace of dictment may our said Lord the King, to the Number of twenty Persons by be quashed. the Instigation and Procurement of the said R. O. to the great
1 Bullf. 183. Terror of the Subjects of our said Lord the King, on the third Day of March in the ninth Year of the Reign, &c. at H. in the said County, with Force and Arms, that is to say, with Staffs, Swords, Guns and Bills, did break and enter the Close of R. B. Esq; there being, and did then and there break and pull down the Hedges of him the said R. B. to the Number of Four hundred Foot, and did then and there with Spades and Shovels dig and fill up the Ditches of him the said R. B. there being, to the great Damage of him the said R. B. and against the Peace of our said Lord the now King, his Crown and Dignity, and also contrary to the Form of the Statute in such Case made and provided.

Rivers

Rivers and Navigation.

SEE the 11 Geo. 1. c. 19. for making the River *Nene* or *Nen* navigable from *Peterborough* to *Northampton*; also 12 Geo. 1. c. 38. for the River *Dun*, in the West-Riding of *Yorkshire*, from *Homefile* in *Doncaster* to the farthest Extent Westward of the Township of *Tinsley*, and 13 Geo. 1. c. 4. for cleansing and widening the Creek called *Beverley Beck*, which runs from thence to *Hull*, and by 13 Geo. 1. c. 20. the Mayor, Aldermen, and Burgesses of *Doncaster* are appointed Undertakers for improving the Navigation of the aforesaid River *Dun*; and cap. 33. the like for the River *Ouse*; cap. 34. for explaining and amending the Act 7 & 8 W. 3. for making navigable the Rivers *Wye* and *Lugg*.

See also the Stat. 1 Geo. 2. ff. 2. c. 19. for punishing such as maliciously destroy Locks, or other Works, erected by Authority of Parliament for making Rivers navigable.

Likewise 3 Geo. 2. c. 11. for ascertaining the Rates to be taken for Water-carriage on the Rivers between *London* and *Cricklade*, &c. and see c. 13. to make the River *Stroud-water* navigable, from the River *Severn* in the County of *Glocester* to *Wallbridge* near the Town of *Stroud* in the same County; and see c. 35. relating to the Payment of Tolls, &c.

Robbery.

THIS is a felonious and violent Taking of Money or Goods from the Person of another, to any Value, putting him in Fear; for without putting in Fear, 'tis no Robbery. *Dyer* 224.

My Lord *Coke* tells us, That 'tis called *Robbery*, because Goods were taken *quasi de la robe*, that is from the Person, as he calls it; but the learned Sir *Henry Spelman* gives us a different Account of the Word, &c. That in the Time of the Saxons, it was usual for Travellers to lodge in any Man's House for one Night; for in those Days they had but very little Money, and no Inns; that *Roab* in the Saxon Language signifies a Garment; and because Rogues did steal the Clothes of such Travellers (for they had nothing else to lose) therefore they were called *Robatores*, and the Crime it self *Roberie*; so that at first it was not a Taking

from the *Person*, for the *Clothes* were usually stolln in the Night after the Travellers were at Rest: But now it must be a Taking from the Person; and it is the Violence and putting in Fear distinguishes this Offence from a Cut-Purse, which is *Clam & Secrete* (privily and secretly).

What is a Taking, and what not.

Now an Assaulting without taking any Thing is no Robbery.

But commanding a Person to deliver, and he doth it, this is a Taking and Robbery, though the Thief doth deliver the Thing taken back again.

So is Compelling one to swear to bring him Money, and he doth it; if the Wife receives it, this is a Taking.

And all that are in Company (though the Fact is done by one alone) are Principals.

Three come to rob *B.* and one doth the Fact out of the Sight of the other, who afterwards returns to them, 'tis Robbery in all. 1 *And.* 116.

From the Person.

If being pursued, and endeavouring to escape, the true Man let his Hat or Money fall, and the Thief take it up; this is a Taking from the Person.

So is Taking in his Presence, for in Law this is a Taking from his Person.

Affaulting one, and putting him in Fear, and then driving away his Cattle in his Presence; this is taking from his Person, and Robbery.

2 Roll. Rep. 354.

The Defendant being on Horse-back desired the Prosecutor to open a Gap that he might ride through, and the Prosecutor going up a Bank to open the Gap, the Defendant rode up to him, and put one Hand on his Shoulder, and the other in his Pocket, and took out his Purse, which the Prosecutor seeing in his Hand demanded it, but the other refused to deliver it; whereupon he was indicted for a felonious Taking his Purse from his Person, and was convicted; but had his Clergy, because the Purse was not taken away with any Force or Violence, so as to put the Prosecutor in Fear.

All who are guilty of Robbery shall lose their Clergy; and if two go together to rob on the Highway, and one commits the Fact, and the other stands at a Distance, and takes nothing, yet he is a Robber.

4 & 5 W. & M.

By a late Statute, he who apprehends and prosecutes an Highway-man to a Conviction, shall, within a Month afterwards, receive of the Sheriff of the County where the Robbery was committed 40 *l.* producing the Certificate of the Judge or Justices, before whom the Person was convicted.

And if one is killed in taking a Highway-man, those who have a Right to administer, shall have the 40 *l.* and he who takes, prosecutes, and convicts, shall have the Horse, Furniture, Money, and other Goods of the Highway-man, unless stolln.

The

Robbery.

135

The Streets of *London* and *Westminster*, and of other Cities, 6 G. c. 23. Towns and Places, shall be deemed Highways, and all Certificates hereafter to be signed for Conviction of Robberies, shall be signed and paid without any Deduction or Fee, excepting 5 s. for Writing and Drawing the same, as well where the Offender pleads guilty, or is convicted on Evidence; the Person taking any other Fee or Reward forfeits 40 l. to be recovered by Action of Debt, &c. in the Courts at *Westminster*, to the Use of the Person intitled to such Certificate.

The Hundred is chargeable, if the Robbery is committed Sid. 263. in the Day-time; and therefore if 'tis done in *January* after Sun-setting; or if a Highway-man compel a Waggoner in the Day-time to drive his Waggon out of the Way, and then robs him in the Night; this shall likewise be a Robbery in the Day, because the first Seizure was a Robbery, and the Hundred in both Cases shall answer it.

The Method required by the 8 Geo. 2. c. 16. for the Amendment of the Law relating to Actions on the Statute of Hue and Cry, to maintain an Action against a Hundred for a Robbery, is as follows, *to wit*,

The Person robbed must with as much convenient Speed as may be after any Robbery (over and besides the Notice already required by the former Acts, which see in Title Hundred) give Notice to one of the Constables of the Hundred, or to some Constable near to the Place where such Robbery shall happen, or must leave Notice in Writing of such Robbery at the Dwelling-house of such Constable, &c. and within the Space of twenty Days must cause publick Notice to be given in the *London Gazette*, describing, as far as the Case will admit, the Felon or Felons, and the Time and Place of such Robbery, and the Goods and Effects which were lost,

The Advertisement in the *Gazette* may be as follows, or as the Case is, *to wit*,

Notice is hereby given (pursuant to an Act of Parliament made in the eighth Year of the Reign of his present Majesty King George, intituled, *An Act for the Amendment of the Law relating to Actions on the Statute of Hue and Cry*.) That *Thomas H—* of *Red-lion Street, Clerkenwell, London*, Stable-keeper, on *Wednesday* the sixteenth Day of *July* last, between the Hours of eight and nine o'Clock in the Morning was over-taken and robbed by two Persons, in the great Road between *Hoddesdon* and *Ware* in the County of *Hertford*, one of them being a tall thin Man marked with the Small-Pox, who had on a blue grey Frock, and was mounted on a

Robbery.

Bay Horse; the other a little punch Man, had on a light-coloured Coat and a light natural Wig, and was mounted on a grey Horse, which Persons took from him the said *Thomas H.* 210 Guineas and an Half in Gold, one Shilling and six Pence in Silver, and a Half-penny, a Silver Watch, and a Pocket-Book, and then made off. See the *London Gazette*, 2 Aug. 1735.

And before the Action is commenced the Person robbed must go before the Chief Clerk or Secondary, or the Filazer of the County, or the Clerk of the Pleas of that Court wherein such Action is intended to be brought, or their respective Deputies, or before the Sheriff, and enter into a Bond to the High Constable of the Hundred, in the Penalty of One hundred Pounds, with two sufficient Sureties to be approved of by such Chief Clerk, &c. to pay Cost in Case of a Nonsuit, Discontinuance, Judgment on Demurrer, or Verdict against him.

If the Bond is entered into before the Sheriff, he shall certify the same in Writing to the chief Clerk, &c. and the Certificate must be delivered by the Party robbed to the chief Clerk, &c. before any Process shall issue for the Commencement of such Suit.

Note; The Hundred is not liable, if any of the Felons are taken within forty Days after the Notice published in the *Gazette*; and observe, the Action must be brought against the High Constable of the Hundred where the Robbery was committed.

Observe also, that the Action may now be by Bill in the King's Bench, as well as by Original Writ; for tho' the Inhabitants of a Hundred could not properly be said to be in the Custody of the Marshal, yet a single Person the High Constable may.

An Indictment for a Robbery.

Suffex, to **T**HE Jurors, &c. That R. O. late of H. in
 wit, the County aforesaid, Labourer, on the third
 Day of March in the ninth Year of the Reign, &c. with Force
 and Arms, between the Hours of eight and nine of the Clock in
 the Afternoon of the same Day, in the King's Highway, near
 a certain Place called, &c. in the Parish of H. in the County
 aforesaid, did make an Assault in and upon one T. P. of H.
 aforesaid in the said County, Yeoman, then and there being in
 the Peace of GOD and of our said Lord the King, and did then
 and there violently and feloniously take and carry away from
 the Person of him the said T. P. five Pounds of lawful Money
 of

Robbery. Rout. Sabbath.

37.

of Great Britain, in Ready Money of the Goods and Chattels of the said T. P. being then and there found, to the great Terror of the said T. P. and against the Peace of our said Lord the King, his Crown and Dignity.

Rogues. See Vagabonds.

Rout.

THIS is where three (at least) or more Persons are disorderly assembled, to commit any Fact with Force, if they move from the Place where they first met together, tho' they do not put the Act in Execution.

A Rout is the same which the Germans call *Rot*, meaning a Band or great Company of Men gathered together, and going to execute, or indeed executing any Riot or unlawful Act; but the Statute 18 Ed. 3. c. 1. against Routs in Affray of the People, and the 2 R. 2. c. 6. that speak of Riding in great Routs to make Entry into Lands, &c. seem to understand it more largely; and make it to be where the Persons unlawfully assembled have moved forward in order to do the unlawful Act, but Part without doing it; for whether they put their Purpose in Execution or no, if they go, ride, or move forward after their Meeting, it is a Rout. *Bro. 4, 5. Dalr. 321.*

Sabbath.

THE Observation of this Day is not only a Divine Command, but a very wise and politick Constitution; for it gives a Countenance to Christianity, and keeps bad Men from growing worse.

The Profanation of this Day doth generally arise from,

- | | |
|--------------------|---|
| 1. Covetousness: | } |
| Or, | |
| 2. Licentiousness. | } |

First.

First, From a covetous Desire of Gain, as per Statute 1 Jac. 1. c. 11. Shoemaker putting Boots or Shoes to Sale, forfeits 3 s. 4 d. and the Goods: Then by the Stat. 3 Car. 1. c. 1. Carriers, Drovers, Waggoners travelling on that Day, such are prohibited under the Penalty of 20 s. for every Offence.

Butchers killing or selling, or causing to be kill'd or sold, or privy or consenting to kill or sell Meat on that Day, forfeit 6 s. 8 d. for every Offence. 3 Car. 1. c. 1.

The Proof must be before one Justice by two Witnesses upon Oath, or by Confession of the Party, unless the Fact was done in View of the Justice.

Prosecution within six Months after the Offence.

These Forfeitures are recoverable by Distress on a Warrant, or by Bill or Information in Sessions, to the Use of the Poor where taken.

But tho' the Driving is through several Parishes, yet there shall be but one Forfeiture for one Day.

By 29 Car. 2. c. 7. the Conviction is made more easy, and by this Statute, publick and private Duties of Piety are enjoined, all worldly Business is prohibited, and all above the Age of fourteen Years offending in the Premises forfeit 5 s. to the Use of the Poor; but the Justice may reward the Informer out of the Penalties, so that it doth not exceed the third Part.

Drovers, or their Servants, coming to their Inns on that Day, forfeit 20 s. for every Offence.

The Prosecution must be within ten Days after the Offence.

The Proof by one Witness upon Oath before one Justice, and if the Offender is not able to pay the Forfeiture, he must be put in the Stocks for two Hours.

Secondly, Irreligious Licentiousness. Per 1 Car. 1. c. 1.

Meeting together out of their own Parish for any Sports or Pastimes, they forfeit 3 s. 4 d. each.

Prosecution must be within a Month, &c.

Proof by one Witness before one Justice, or Confession of the Party.

Forfeiture is for the Poor of the Parish where the Offence is committed, and to be levied by Distress on a Warrant, &c. and in Default thereof, the Offender is to be put in the Stocks for three Hours.

Any Process served on this Day, except for Breach of the Peace, Felony, or Treason, is void; and the Person serving the same, must answer Damages as if he had done it without a Warrant. 29 Car. 2. c. 7.

But this Statute doth not extend to dressing of Meat in Inns, Cooks-Shops, or Victualling-Houses.

All

Sabbath.

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All the Laws for frequenting of Divine Service on this Day, are still in Force, notwithstanding the Statute of 1 W. & M. c. 18. unless Persons go to some Congregations tolerated by that Act.

A Warrant to levy the Forfeitures on such who use Sports on that Day.

To the Constables, &c.

Suffex, to **W** Hereas T. P. of, &c. J. O. of, &c. and Car. 1. c. 1. R. S. of, &c. have been lawfully convicted One Justice up-
before me, That they and each of them, did on the 8th Day of on View, Con-
November last past, being the Lord's Day, meet, and were fession, or Oath
present with a Concourfe of other People out of their own Pa- of one Witness.
rishes, for Sports and Pastimes, viz. to play at Foot-ball (or as must be within
the Case is) contrary to the Laws on that Case, made and pro- Prosecution
vided, by Reason whereof each of the Persons before-mentioned a Month after
bath forfeited 3 s. 4 d. for the Use of the Poor of your Parish: the Offence.
These are therefore in his Majesty's Name to command you
forthwith to levy the respective Sums of 3 s. 4 d. on the respec-
tive Goods and Chattels of the several Offenders before-men-
tioned, by Distress and Sale thereof, rendring to them the Over-
plus, if any; and in Case no such Distress can be had, that
then you cause the said Person or Persons, wanting such Distress,
to be set publicly in the Stocks for the Space of three Hours.
Given under my Hand and Seal, &c.

To levy the Penalty on Persons travelling on that Day, &c.

To the Constable, &c.

Suffex, to **W** Hereas it hath been duly proved before me, 13 Car. 1. c. 1.
wit, That J. A. of L. &c. being a common Car- One Justice
rier, did the 8th Day of November last past, being the Lord's ut prius, but
Day, travel with his Horses into and through your said Parish by the Oath of
of L. contrary to the Statute in that Case made and provided, two Witnesses.
by Reason whereof he hath forfeited 20 s. to the Use of the Poor Prosecution
of the said Parish. These are therefore, &c. to command you must be within
forthwith to levy the said Sum of 20 s. on the Goods and Chat- six Months;
tels of the said J. A. by Distress and Sale thereof, rendring to but per 29
him the Overplus; and that you see it employed to the Use of Car. 2. c. 7.
your said Parish, as by Law it ought. Given under, &c. ten Days.

To

All

To levy the Penalty on a Butcher killing Meat on that Day.

To the Constable, &c.

One Justice,
two Witnesses
on Oath.

Suffex, to **W** Hereas it hath been duly proved before me, wit, That T. P. of, &c. Butcher, did on Sunday the 8th Day of November last past, in the Parish of, &c. kill, (or sell, as the Case is) Viſual, viz. one Calf, contrary to the Law in that Case made and provided, whereby he hath forfeited 6s. 8d. to the Use of the Poor of the said Parish of, &c. These are therefore, &c. to command you forthwith, &c. (as in the former Warrant.)

To levy the Penalty for exposing Goods to Sale, &c.

To the Constable, &c.

29 Car. 2. c. 7.
One Justice,
one Witness.
Prosecution
within ten
Days.
Forfeits the
Goods and 5 s.

Suffex, to **W** Hereas it hath been truly proved before me, wit, That J. O. of, &c. did on Sunday the 8th Day of November last past, expose Apples, &c. to Sale at, &c. contrary to the Law in that Case made and provided, whereby he hath forfeited the said Goods to the Use of the Poor of the said Parish, &c. These are therefore to require you forthwith to seize the said Goods so put to Sale as aforesaid, and that you sell the same, and employ the Money arising by such Sale to the Use of the Poor of your said Parish, as by Law it ought. And hereof fail not at your Peril. Given, &c.

But crying and selling of Milk, and Works of Necessity and Charity, are excepted.

To levy 5 s. on those who use a Trade on that Day, or any worldly Labour.

To the Constable and Church-wardens of, &c.

29 Car. 2. c. 3.
One Justice,
one Witness
on Oath.
Prosecution
within ten
Days after the
Offence.

Suffex, to **W** Hereas it hath been truly proved before me wit, upon Oath, That J. S. and T. U. both of the Parish of, &c. Barbers, (or as the Case is) and being of the Age of 14 Years and upwards, did exercise the Work of their ordinary

Sabbath.

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ordinary Callings or Trades, at, &c. on the 15th Day of this instant November, being the Lord's Day, by Reason whereof each of them hath forfeited the Sum of 5 s. for the Use of the Poor of the said Parish. These are therefore to require you forthwith to levy the said respective Sums of 5 s. on the several Goods and Chattels of the Offenders before-mentioned respectively by Distress and Sale thereof, rendering to them severally the Overplus (if any shall be) and that you employ the same towards the Relief of the Poor aforesaid, according to the Statute in that Case made and provided; but in Case of Inability of either, or any of the said Offenders, to pay the said Penalties, or in Default of Distress to be had and taken in his or their Goods, that then you cause such Persons to be set in the Stocks for the Space of two Hours. And hereof fail not, &c.

A Warrant to levy 5 s. on those who do not come to Church, &c.

To the Constable or Church-wardens of, &c.

Suffex, to **W** Hereas it hath been duly proved before me up- 29 Car.2. c. 7.
 wit, on Oath, That T. U. J. T. and J. O. all One Justice,
 of the Parish of, &c. Labourers, and all of them being of the one Witness
 Age of 14 Years and upwards, that they and each of them did on Oath.
 neglect to apply themselves to the Observation of the Lord's Day, Prosecution
 being the 15th Day of this instant November, neglecting also to Days.
 exercise themselves on the Lord's Day aforesaid, in the Duties of
 Piety and Religion publicly either in the Parish-Church of, &c.
 or in any other Assembly of Religious Worship, by Reason where-
 of, they and each of them have forfeited the Sum of 5 s. for
 the Use of the Poor of the said Parish. These are therefore,
 &c. (as in the former Warrant.)

A Warrant to Officers neglecting their Du- ties herein.

To the Constable, Church-wardens and Overseers of the
 Poor of the Parish of, &c.

Suffex, to **W** Hereas I have been informed, That the Lord's
 wit, Day is often profaned in your Parish by
 disorderly Meetings of several idle Persons, and by Gaming,
 Sports and Tippling on that Day, and likewise by several other
 Means, contrary to the Law; in that Case made and provided;
 and

Sabbath. Sacrament. Sacrilege.

and that you have been very negligent of the respective Duties of your Offices to find out such Offenders, and to apprehend and bring them to Punishment. These are therefore to charge and require you, That from henceforth, and so long as you shall continue in your respective Offices, that you take a strict Account of all Persons within your respective Liberties or Parishes, who shall prophane the said Day by any unlawful Ways or Means whatsoever; and that you make known to one or more Justice or Justices of the Peace of the said County, the Name or Names of such Person or Persons who shall offend in the Premises, within ten Days after the Offence committed, that such Penalties may be inflicted on him or them, as the Law in that Behalf shall require. And hereof fail not, &c.

Sacrament.

DEpraving or doing any Thing in Contempt of the Sacrament, must be committed.

Three Justices may take the Examination of two Witnesses on Oath concerning the said Offence, and bind them in a Recognizance of 5 *l.* a-piece, to appear at the next Sessions and give Evidence; and the Offender being found guilty is to be fined. 1 *Ed. 6. c. 1.*

The Prosecution must be within three Months after the Offence. *See the Statute at large.*

Reviling the Sacrament of the Lord's Supper is punishable by Fine and Imprisonment. 1 *Eliz. c. 1.*

The Time for receiving the Sacrament, &c. to qualify for Preferments is enlarged from three Months to six Months, by 9 *Geo. 2.*

Sacrilege.

THIS is a felonious taking Goods out of any Church or Chapel: The Offender had no Benefit of Clergy at Common Law.

Sacrilegium (Sacrilege) is Church Robbery, or a Taking of Things out of a Holy Place; as where any Person steals any Vessels, Ornaments, or Goods of the Church, and it is said to be a Robbery of GOD, at least of what is dedicated to his Service. 3 *Cro. 153.*

Sacrilege. Saltpetre-Men. Salt.

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But where any Thing belonging to a private Person is left in a Church, and is stolen, it is only common Theft, and not Sacrilege. Yet 'tis said the Canon Law determines that also to be Sacrilege.

Saltpetre-Men and Salt.

Cannot dig in the House of another Person without his Consent, by Reason of the Danger which may happen to the Owner, his Family and Goods, by Thieves and Robbers in the Night-time, the House being open.

Lord Mayor and Aldermen before *May 1696*, and Justices of Peace after *August 1696*, may in Sessions set and publish in Writing the Prices of Salt, and afterwards (if necessary) they may in Sessions correct the Prices: Any Person selling at a higher Rate, or refusing to sell at that Rate, forfeits 5 *l.* for every Offence, to be levied by a Warrant of one Justice between King and Prosecutor; if no Distress, Commitment till paid. 7 *§* 8 *W. c. 31.*

Salt.

By the Statute 9 *§* 10 *W.* 'tis enacted, That if any Subject shall ship any Salt, and have paid the Duty, and the Vessel shall be taken, or perish at Sea; that in such Case the Owner of the Salt, upon Proof made before the Justice in the Sessions, of the Loss of such Salt, shall receive a Certificate from the Sessions, that such Proof was made before them; and he producing it to the Officer appointed to collect the Duties on Salt, shall be permitted to buy the like Quantity of Salt, (which is expressed in the Certificate to be lost) without paying any Duty for the same.

And to prevent Exactions in the Sale of Salt, the Lord Mayor of London and Court of Aldermen, within the Bills of Mortality, and the Justices of Peace in Sessions, may set and publish in Writing the Price of Salt to be sold or exposed to Sale, and may alter and correct the Prices thereof; and any Person selling at a higher Price, or refusing to sell at the Price so set, forfeits for every Offence 5 *l.* to the King and Informer.

The

9 & 10 W.

The Penalty is to be levied by a Warrant from the Lord Mayor, &c. or of one Justice by Distress, &c. or in Default thereof, the Party may be committed by like Warrant till he pay the same. Persons dealing in Salt, or making it; and those who buy it to sell again, shall not dispose of it but by *Weight*, after the Rate of 56 Pound-weight to the Bushel, and not by Measure, under the Penalty of forfeiting 5 *l.* to the Informer for every Offence.

This is to be determined by Two or more Justices residing near the Place where the Forfeiture shall be made, or where the Offence shall be committed, who are to summon the Party accused; and upon his Appearance or Contempt, to examine the Fact; and upon Proof made by the Oath of two Witnesses, or by Confession of the Party, to give Judgment, and to issue out Warrants for levying the Forfeitures, which may be sold, if not redeemed within six Days; and for Want of Distress, they may commit the Party until he pays the Forfeiture.

But there lies an Appeal from this Sentence to the next Sessions, whose Judgment shall be final.

Duty on Salt.

When Salt is entred to be put on Board, or to be carried by Land, and the Duty paid, or secured to be paid, and all other Money then or before due, upon Account of Salt, before that Time discovered; the Officer upon Notice shall attend in the Day-time the Weighing the Salt; and upon his Neglect or Refusal, forfeits 40 *s.* to be recovered 'as aforesaid.

5 & 6 W.

By the Statute of 5 & 6 *W.* a Duty of one Penny and Half-penny is laid upon Salt, and by 7 & 8 *W.* this Duty is continued for ever; but this is only for Salt made in *England*; for if foreign Salt is imported, 'tis 3 *d.* per Gallon, per 5 & 6 *W.* and it must be paid in ready Money upon Entry made before the Landing, or by giving Security to pay it in six Months, otherwise the same, or the Value thereof is forfeited; and for Prompt-Money the Importer shall have 10 *l.* per Cent. abated.

10 & 11 W.

Salt conveyed away before Entry may be seized without Warrant, and brought to the Office of the Collector of the Duty; and if not claimed within ten Days after Seizure, it shall be forfeited and sold at the next General Sale; one Moiety to the King, the other to the Seizor; but if the Owner claims it within ten Days, and doth not make it appear before the next Justice where the Seizure was made, and that by the Oath of two Witnesses, that the Salt was duly entred, it shall be forfeited as aforesaid; and he who conveyed it away shall forfeit double the Value.

If any Person is aggrieved by any Order or Judgment of two Justices relating to the Duties on Salt, or to any Forfeiture or Offence concerning the same; they may appeal to the Sessions, whose Judgment shall be final.

By another Act 1 *Anna*, every Maker of Salt, or Refiner of Rock-Salt, or Proprietor of Salt-works, must make an Entry in Writing of the same at the next Salt-Office to their Pits or Works, and of the Number of Pans, and Situation of their Ware-houses, or forfeits 40 *l.* erecting or using any Salt-Work, without giving Notice thereof to the next Salt-Office, forfeits 40 *l.*

Refusing to permit an Officer for collecting the Duty, to enter into Works or Ware-houses in the Day or Night, in the Presence of a Constable, forfeits 40 *l.*

Salt found in the Possession of any Person, and not entered, and the Duty paid; if 'tis foreign Salt, 'tis forfeited; if *English* Salt, may be seized, and the Offender incurs the same Penalty and Forfeitures, as *per 5 & 6 W.* for removing or conveying away before Entry, unless he make it appear upon the Trial in an Information, that he bought such foreign or *English* Salt, and of whom.

Salt Carrier, or other Person removing Salt from the Works without Entry made, and Payment of the Duty, the Salt may be seized by the Officers, and they may apprehend the Person, and carry him before a Justice of Peace; and if the Offence is proved, and the Offender doth not pay down the Penalty, and hath no Distress whereon to levy it, the Justice may commit him to the House of Correction to be whipt, and kept to Labour for a Month.

Obstructing, beating or abusing the Officers, forfeits 20 *l.* to be levied by Distress; and if that cannot be had, then to be sent to the House of Correction, as aforesaid.

No Salt-maker shall act as a Justice of Peace in any Matter relating to Duties on Salt. 2 & 3 A. c. 14.
5 Geo. c. 18.

By another Act, the Importation of *Scotch* Salt is prohibited on Pain of forfeiting the Salt, and likewise 20 *s.* *per* Bushel, and the Persons importing it may be apprehended and brought before a Justice, where the Seizure shall be made; and if upon Proof of the Fact, the Offender doth not pay down the Penalty, the Justice may commit him to Gaol for six Months without Bail.

And where Salt is shipped in order to export it, and the Duty is paid, and the Vessel sinks before it shall go out of the Port; or if it is lost at Sea by Storm, or thrown overboard to preserve the Men or Ship; then, upon Proof thereof made to the next Quarter-Sessions, the Court shall give a Certificate of such Proof; which being produced to the Collector of the Salt-Duty, he shall permit the Person to buy the like Quantity as expressed in the Certificate, without paying the Duty.

But the Statute varies in the Manner of its Proof; for where a Ship sinks in the Port, and the Salt perishes there, it says generally that Proof shall be made at the Sessions, &c.

6 G. c. 11.

But in the other Case, where the Ship perishes at Sea, it directs how the Proof shall be made, viz. by two Witnesses, on Oath, whereof the Master or Mate to be one, and that it was not perished by Leakage or Neglect of the Seamen.

All foreign Salt imported, cellared, and locked up before the 24th of June 1719, in the Presence of an Officer for the Salt-Duties, shall, at the Desire of the Proprietor, or his Agent, be turned over as Stock in Hand, for the Use of the Fishery, free from Duty, subject nevertheless to the same Conditions and Restrictions as all other foreign Salt intended for the Use of the Fishery, and imported after the 24th of June 1719.

Vide 6 A. c. 12. and 12 A. Sess. cap. 2. Salt shipped for Ireland, &c. and lost at Sea, or taken by Enemies, the Proprietor or Exporter to make Proof thereof within a Month after, before the Justices at their Sessions, and the Duty to be allowed.

11 A. c. 2.

Where any Salt taken on Board for curing Fish shall, after the Duty paid, either perish at Sea, or be taken by Enemies, the Merchant or Owner (on Proof made at the Quarter-Sessions of the County, &c. where he dwelleth, and receiving a Certificate of such Proof, and producing it to the Officer where the Duty was paid or secured) such Security shall be discharged, and so much as was paid shall be repaid on Demand; provided the Proof be made within nine Months after the Loss.

See 11 Geo. 1. c. 30. also c. 5. for encouraging the Curing of Fish caught on the Coast of *Pennsylvania*, likewise 3 Geo. 2. c. 12. for the Importation of Salt, and c. 20. for Discharging the Duty of one Penny Half-penny per Gallon on Salt and Rock-Salt, made within this Kingdom, &c. and see also the 5 Geo. 2. for reviving the Duties on Salt for the Term therein mentioned; and the 7 Geo. 2. for continuing the Duties on Salt, and upon Red and White Herrings, for the further Term of seven Years; and the 8 Geo. 2. for continuing the same for a further Term of four Years.

Scabengers.

THIS Title relates chiefly to the City of *London*, by a new Statute of 2 W. by which Inhabitants, within the Weekly Bills of Mortality in *Middlesex*, *Westminster*, *Southwark*, and *Kensington*, are enjoined to sweep the Streets every *Wednesday* and *Saturday*, or they forfeit for every Neglect 3 s. 4 d.

Laying

Laying Dirt, &c. in the Streets before their own Houses, forfeit 5 s.

Laying Ashes, Dirt, &c. before the Houses and Walls of other Persons; or before Church-Walls, or throwing any noisome Thing in the Common Shore, Highway, or private Vault, forfeit 1 l.

The respective Church-wardens, and Keepers of his Majesty's Palaces, and the Keepers of the Courts of Justice, suffer the like Penalties for the like Offences.

Hooping or cleansing Vessels in the Streets, mending empty Coaches; or sawing Timber or Stone, forfeit for every Offence 1 l.

Scavengers every Day, except Sunday or Holiday, must bring Carts, and give Notice of carrying away the Dirt, or forfeit 2 l.

Streets, Lanes and Allies paved at the Making the Act, must be kept so at the Charge of the Inhabitants, before their respective Houses; or forfeit for every Perch or Rod 1 l. and for every Week afterwards till it is done 1 l.

One Justice may certify to Sessions what new Ways are fit to be paved, and the Sessions may take such Order as they shall think fit, and the Inhabitants of Houses adjudged to be paved or mended; must do the same from such Houses to the Middle of the Highway, or forfeit for every Perch not paved or mended 2 l. And for every Week afterwards till done 2 l. And when paved, &c. must be kept so, or forfeit 1 l. And for every Week afterwards till done 1 l.

Ancient Streets must be maintained according to Custom.

The Assessments for Scavengers of the Parishes of St. Anne and St. James's shall be rated according to the Custom of the City; and new Houses hereafter to be built, shall pay proportionably with others.

Two Tradesmen must be chosen by the Constables, &c. on Monday and Tuesday in Easter Week yearly, to be Surveyors of Highways, who must take upon them the said Office seven Days after the Election and Notice; or for their Refusal forfeit 1 l.

And then new ones must be chosen, who must take on them the said Office under the like Penalty, to be paid to such Surveyors who shall hold the Office, which must be employed towards Repairing the Highways; 'tis to be levied by Warrant of one Justice, &c. and in Default of Distress and Payment within six Days after Demand, the Offender must be committed.

Within twenty-eight Days after new Scavengers are chosen, the old ones must account before two Justices for the Money assessed and collected, and what remains in their Hands must be paid to the new ones.

Scavengers.

Justices, &c. at Petit-Sessions may give Scavengers Liberty to lodge their Dirt in vacant Places near the Streets, satisfying the Owners; and if their Demands are unreasonable, Justices, &c. may moderate it.

Persons aggrieved by a Tax, &c. or Determination of any Justices, &c. may appeal to the Sessions, whose Order is final.

One or more Assessments, not exceeding 4 *d.* per Pound for Lands, and 8 *d.* for every 20 *l.* of personal Estate, may be made every Year, by such Persons as the Sessions shall think fit; and the Money thus assessed shall be raised and applied according to their Direction; this is to be levied by Distress and Sale, &c. if not paid within fourteen Days after Demand, rendering the Overplus, Charges deducted.

New Sewers made in any of the said Parishes since 12 Car. 2. shall be subject to the Commissioners of Sewers, who may direct making new ones, and alter any Nuisances, cross Gutters, and Channels in the Streets or Lanes.

Candles must be hanged out of such Houses which join to the Streets, from *Michaelmas* to *Lady-day*, and from the Time it grows dark, till Twelve of the Clock at Night, or forfeit 2 *s.* except the Inhabitants agree to use Lamps.

A Truss of old Hay exposed to Sale between the last of *August* and the first of *June* following, must weigh 56 Pounds; and from *June* to *August* 60 Pounds, or forfeit per Truss 1 *s.* 6 *d.*

Persons suffering Carts, &c. to stand loaded with Hay or Straw after two of the Clock in the Afternoon, from *Michaelmas* to *Lady-day*, for every Offence, forfeit 5 *s.* and from *Lady-day* to *Michaelmas*, after three, forfeit 5 *s.*

Conviction of these Offences is to be by View of the Justice, &c. Confession of the Party, or Oath of one Witness; if by View of the Justice, then one Half is to the Poor, &c. the other to repair the Ways, otherwise to the Poor and Prosecutor.

These Penalties are to be recovered by Distress, &c. by a Warrant of one Justice, &c. to the Constable; or if one Distress can be taken, then if not paid within six Days after Demand, or Notice in Writing left at the House of the Offender by the Constable, must be committed till paid.

The *Wheels* of Carts must be six Inches in the Felly, and without Iron, and drawn only with two Horses after they are up the Hills near the Water. Owners offending forfeit for every Time such Cart is used 1 *l.* for the Uses, and to be levied as aforesaid.

Country Carts, and Carts carrying Goods Half a Mile beyond the paved Streets, are excepted.

Scabengers.

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Swine must not be kept in the House or Back-sides of the paved Streets, on Pain of forfeiting them to the Poor.

Officers may in the Day-time, by Warrant from the Lord Mayor, or one Justice, &c. search for Swine, and drive them away and sell them, and deliver the Money to the Church-wardens, &c. for the Use of the Poor.

Cleanfing of Streets, &c. must be managed according to the antient Use of the City.

Lord Mayor or any Alderman may present upon View any Offence within the City and Liberties thereof, and may assess Fines not exceeding 20 s. for every Offence, to be paid to the Chamberlain of London, for the Use of the City.

In Actions commenced for putting 22 & 23 Car. 2. Entitled, *An Act for the better Paving and Cleanfing Streets in the City*, or this Act in Execution, the Defendant may plead the General Issue, and give the Act or special Matter in Evidence; and if the Plaintiff is Nonsuit, discontinue, or a Verdict against him, shall pay treble Costs.

Highways leading from the East-side of Clerkenwell-Green to St. John-street, shall be paved as this Act directs.

Warrants.

It would very much enlarge this Title to make particular Warrants for every Offence mentioned in this Act, therefore I think the following Directions may be sufficient:

Recite the Proof, viz. upon View, Confession, or one Witness.

The Offence, as near as may be to the Words of the Act.

The Forfeiture, and for whose Use.

Then the Clause of Distress.

By 1 Geo. 1. St. 2. c. 52. s. 9. Justices in Cities and Market-Towns, if they judge it necessary at the General Quarter-Sessions, may appoint a Scavenger or Scavengers for Cleanfing the Streets, and may make an Assessment not exceeding 6 d. in the Pound in one Year.

See the 2 Geo. 2. c. 11. for the better Paving and Cleanfing the Streets in the City and Liberty of Westminster, and other Places within the Limits of the Weekly Bills of Mortality in the County of Middlesex.

By 9 Geo. 2. c. 13. The Act of 1 Geo. 1. for Repairing of Highways is extended to Market-Towns.

School-master.

NOT coming to Church, or not allowed by the Bishop of the Diocese, he who keeps or maintains such a Person forfeits 10 *l.* per Month, and the School-master himself shall be for ever disabled to teach Youth, and shall be committed for a Year without Bail.

The Prosecution must be at the Sessions, &c. within a Year and a Day after the Offence committed.

The Forfeiture is to be divided between the King, the Poor, &c. and the Prosecutor.

But conforming before Judgment to the Bishop of the Diocese, or in open Sessions, the Offence is discharged thereby, and also the Penalties thereon incurred. 23 *Eliz. c. 2.*

None out of the Universities shall keep School, except a Free-school.

But he may keep School in Gentlemen's Houses, not Recusants; so he may if licensed by the Bishop, but not otherwise; if he doth, he forfeits 40 *s.* per Day. 1 *Jac. c. 4.*

The Forfeitures to be divided between the King and the Prosecutor.

An Indictment upon the Statute of the 23 *Eliz. cap. 1.*

Suffex, to **T**HE Jurors for our Sovereign Lord the King wit, upon their Oath present, That T. P. of P. in the County aforesaid, School-master, from the first Day of May in the eighth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. to the first Day of October then next ensuing, in the Mansion-house of one J. L. situate at P. aforesaid in the said County, did there teach and instruct the Children of the said J. L. and the said Jurors further say upon their Oath aforesaid, That the said T. P. during that Time did not repair to the Parish-Church of P. aforesaid, or to any other Chapel, or usual Place of Common Prayer, or Assembly, or Meeting for Religious Worship, tolerated by the Laws of this Realm, but did entirely forbear the same for the whole Time aforesaid, having no lawful Excuse to be absent, and not having been licensed or allowed to teach and instruct Youth by the Bishop of the Diocese of that Place, where the said Parish-Church is situated, or by his Ordinary; and further that the said J. L. did unlawfully keep and maintain the said T. P. in his House aforesaid, for the whole Time above-mentioned,

School-master. Seamen.

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tioned, to teach and instruct his Children in Manner and Form aforesaid, knowing that he the said T. P. had absented himself from Church in Manner and Form aforesaid, and was not allowed by the Bishop or Ordinary of the Diocese as aforesaid, in Contempt of our said Lord the King, and against the Peace of our said Lord the King, his Crown and Dignity, and also contrary to the Form of the Statute in such Case made and provided.

Seamen.

IT is manifest, that the Increase of Seamen tends to the Advantage of this Nation both in Peace and War; and for this Purpose we have a Law, that two Justices, or the Chief Magistrate of any City or Town-Corporate, with the Church-wardens and Overseers of the Poor of their respective Parishes, by and with the Consent of two Justices, &c. may put Boys Apprentices to the Sea-Service, under these Qualifications:

- (1.) They must be ten Years old or upwards.
- (2.) Such as are likely to be a Charge to the Parish.
- (3.) Such whose Parents are actually chargeable to the Parish.
- (4.) Those who beg for Alms.

These may be bound to Masters or Owners of Ships or Vessels, used to Sea-Service, until the Age of 21 Years.

The Age of the Boy is to be inserted in the Indenture, and that shall be taken to be his true Age, without any farther Proof thereof.

The Church-wardens and Overseers shall pay the Master, when the Boy is bound, 2 *l.* 10 *s.* for Clothing and Bedding, which must be allowed by the Parish in their Accounts.

Such an Apprentice is not to be pressed until he is eighteen Years old.

The Church-wardens must send the Counterpart of the Indenture to the Collector of the Customs in such Port, and it must be sealed by the Master in the Presence of the Collector and Constable where the Master doth belong, and attested by them, and such Collector must enter it in a Book, and shall indorse the Indenture that it is registred, and subscribe his Name without Fee, and forfeits 5 *l.* if he neglects or refuses so to do, or makes a false Entry; and this Forfeiture is to be for the Poor of the Parish from whence the Boy was bound.

The Collectors must transmit unstamped Certificates to the Admiralty, of the Names and Ages of such Apprentices, and to what Ships they belong; and upon Receipt of such Certificates, Protection shall be granted until the Boy is eighteen Years of Age, but then he may be pressed, and the Master shall receive his Wages.

Any poor Boy bound by the Parish to any other Employment may, with the Consent of two Justices, &c. at the Request of the Master or his Executors, &c. turn over such Boy, by assigning the Indenture to any Master or Owner of a Ship, &c. for the remaining Time of his Apprenticeship, which Assignment must be registred by the Collector aforesaid.

And to oblige Masters and Owners of Ships to take such Apprentices, there is a Clause, That every Owner or Master of a Ship, from thirty to fifty Tun, shall take an Apprentice; and if he refuses, shall forfeit 10 £. to the Poor of the Parish from whence the Boy was to be bound.

The Apprentice thus bound, is to be sent to the Port to his Master at the Charge of the Parish, in the same Manner as Vagrants by the Statute of 11 & 12 Will.

Two Justices, &c. near the Ports where any Vessel shall arrive, have Power to hear and determine all Complaints of hard Usage to such Apprentices, and to make such Orders as they are enabled to do in any Case between Masters and Servants.

The Collectors at their Ports to keep a Register of the Names of Masters and Apprentices, and from what Parishes they came, and must transmit true Copies of such Register to the Quarter-Sessions when required; and this they must do without Fee: If they refuse, they forfeit 5 £. to the Poor of the Parish from whence the Apprentice comes.

And to incourage Boys voluntarily to bind themselves Apprentices, &c. they shall not be pressed for three Years next after the Date of the Indentures.

And in Order to suppress Rogues, Vagabonds and Beggars, there is a Clause, That all lewd and disorderly Servants, and such Men and Boys as are Rogues, Vagabonds and sturdy Beggars, shall be sent to Sea by Warrant from one Justice directed to the Constable, who is to convey them to the next Town out of the County, into his Majesty's Service at Sea.

The Forfeitures in the Act are to be levied by Warrant from two Justices, &c. by Distress and Sale of the Goods of the Offender.

Casting away a Ship wilfully, or procuring the same to be done; is a Felon.

None but the Contractors with the principal Officers, or Commissioners of the Navy, Ordnance or Victualling-Office, shall

1 Annæ.

9 & 10 W.
c. 41.

shall make any Stores of War, or Naval Stores, with the Marks used to the King's Stores, or any Stores with the broad Arrow, by Stamp, Brand, or otherwise, upon the Forfeiture of the Goods, and 200 *l.* with Costs of Suit; one Moiety to the King, the other to the Informer, to be recovered in the Courts at *Westminster*.

Like Forfeiture by Persons, in whose Custody such Goods are found, &c.

Personating Seamen, and fraudulently receiving their Monies, forging Letters of Attorney, Bills of Sale, Assignments, or Last Wills, personating the Wife's Relations, or Creditors of Seamen; and taking Administration to them; forging Letters of Attorney, Bills of Sale, or other Authorities in the Names of their Executors or Administrators, for the Receipt of Wages due to Seamen, their Aiders or Abettors being convicted, &c. shall, besides other Penalties, forfeit 200 *l.* as aforesaid, and be committed until paid.

No Seaman's Will (after the 24th of *June*) contained in the same Instrument with a *Warrant of Attorney*, shall be good in Law.

No Court or Person shall take more than one Shilling for the Seal, writing or suing forth any Administration, granted to the Wife or Children of any Seaman, dying in Pay of the Navy, unless his Goods amount to 20 *l.* the Person offending forfeits 10 *l.* to the Party grieved.

All the Powers in the aforesaid Act are revived and enforced by the Stat. 1 *Georgii*, and Justices, &c. may mitigate the Penalties of that Act, or in Lieu thereof may inflict some corporal Punishment, by Whipping, or by sending the Offender to some publick Work-house, to be kept to hard Labour for three Months or less. 1 Geo. c. 24.

Principal Officers of the Navy may by Warrant cause Offenders to be apprehended for making Disturbances in any of the Yards, &c. at Pay-days, or any other Occasions relating to the Naval Stores, and may punish them by Fine, not exceeding 20 *l.* or by Imprisonment in the next Gaol, not exceeding one Week, or in the Hands of the Messengers attending them: The Officers may discharge such Fine and Imprisonment, if they think fit, or for Non-payment of the Fine may commit to the House of Correction, to be kept to hard Labour for two Months; the Fines to be paid to the Chest at *Chatham*, for the Use of maimed Seamen.

In Cases where greater Punishment is needful, the Officers may bind such Offenders to the Good Behaviour, and to appear at the next Assizes or Quarter-Sessions, with or without Securities, and in Default of Security, may commit to the County Gaol, &c.

See

Seamen. Sessions.

See also the Statute of 1 *Geo. 2. ff. 2. c. 9.* for discharging Seamen's Wages, and constant and punctual Payment of them for the Future. Also *c. 14.* for encouraging Seamen to enter into his Majesty's Service.

Servants. See Apprentices.

Sessions.

IS a Court of Record held before two or more Justices, *Quorum unus.*

Time of keeping it.

Formerly it was discretionary in the Justices at what Time to keep this Court, which made it very uncertain; but now by 2 *H. 5. c. 4.* it is appointed to be kept four Times in a Year, *viz.*

First Week after	{	<i>Michaelmas.</i>
		<i>Epiphany.</i>
		The Close of <i>Easter.</i>
		Translation of <i>St. Thomas</i> the Martyr, commonly called, <i>Thomas a Becket.</i>

But Justices of *Middlesex* are not obliged to keep Sessions above twice in a Year; they may do it oftner if they think fit: And Justices of the County Palatines of *Chester* and *Lancaster*, are to keep Sessions only twice, *viz.* at *Michaelmas* and *Easter.* 32 *H. 8. c. 43.*

Place of keeping.

This is not made certain by any Law, therefore it is left to the Discretion of the Justices.

If they should happen to be divided in Opinion about the Conveniency of the Place, and some should appoint one Place, and some another, and the Sessions should be held at both Places, it is void in both, because the Authority of the Justices being equal, their several Appointments must be so likewise; and by the Nature of the Service there can be no Priority of Time.

The Sessions for *Anglesea* is to be held for ever at *Beaumaris*, by 5 *Ed. 6. Dyer* 135.

By the Statute 1 *Georgii, c. 25.* the Justices of the Peace of the County may now adjourn it from Time to Time to any Part of that County, for the Ease of those who are obliged to take the Oaths to the King, but to no other Purpose.

Who ought to appear there.

Two Sorts of Persons ought more especially to attend this Court, *viz.* those who are lawfully summoned: And these are, Bailiffs,

Sessions.

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Bailiffs of Hundreds and Franchises, to give an Account of Sessions Proceſs.

Clerk of the Peace, to read the Indictments, to draw Proceſs, and to enrol the Acts of the Court.

Constables of Hundreds.

Coroners, because they are Parties to Exigents, and are likewise Conservators of the Peace; for in ſome Cases they have Power to commit.

Correction, Maſter of the Houſe to give a Calendar of ſuch Rogues who have been committed. 7 Jac. c. 4.

Custos Rotulorum, ex vi termini (the Keeper of the Rolls, from the Force of the Words), is to attend; for he is always a Juſtice of *Quorum*, hath the Keeping of the Records of the Sessions, and of the Commiſſion of the Peace.

Goalſter, with the Priſoners, and to receive thoſe who may be committed by the Court.

Jurors returned by Sheriff.

Juſtices of the Peace to certify their Recognizance and Examinations taken by them, and other Matters, &c. if they neglect, they may be fined by B. R. 3 H. 7. c. 1.

Recognizance, thoſe who are bound therein to answer, give Evidence, or proſecute.

Sheriff, or his Deputy, to receive the Fines ſet by the Court on Delinquents, and return Jurors.

Freedom of Access is incident to a Court of Record as this is, ſo that if any Perſon come voluntarily thither about any Buſineſs of the Sessions, as to prefer a Bill of Indictment, &c. or is compelled to appear to pay the Forfeiture of his Recognizance, he ſhall be protected from Arreſts upon mean Proceſs; and if he happen to be arreſted, the Court may diſcharge him upon Examination of the Matter, and the Oath of the Party himſelf. 1 Lev. 159.

Privilege of
thoſe who
come to Ses-
ſions.

They may hear and determine Treaſpaaſes againſt the publick Peace, and upon Conviction give Judgment of Fine or otherwiſe, as the Caſe requires.

Powers of the
Juſtices in Ses-
ſions.

It was the Policy of our Anceſtors to eſtabliſh ſeveral Courts in every County, not only for the ſpeedy Adminiſtration of Juſtice, but to ſuppreſs Diſorders in their firſt Motion, before they ſhould arrive to ſuch a Power as to diſturb the Peace of the Neighbourhood.

This was the Buſineſs of County Courts of Sheriffs, and of Tourns, and of Leets.

The Authority of thoſe Courts declining for ſeveral Years, ſeems now to be devolved on this of the Quarter-Sessions, which yet maintains a Form of Judicature, though by Cuſtom and Uſage it is abated, as particularly in Caſes of Felony.

For

For the Power which the Justices have, } By Acts of Parliament;
is either } Or,
By their Commission.

But by both, they have Authority to try *Felons*; for by 4 *Ed. 3. c. 4.* they have Power to hear and determine Felonies, and to inflict Punishment according to Law; and by the second *Assignavimus* in their Commission, which relates only to the Sessions, they have Authority to inquire by a Jury, &c. of all *Felonies*, &c. and likewise of several other Articles therein mentioned; and they may send out Process against the Offenders to bring them in, and then try them, and give Judgment according to Law.

Now though they have this Power, yet the common Practice is to try *Petty Larcenies* at Sessions, and the *Felons* are of Course carried to the Assizes by the Gaoler, who takes no Notice of this Court without particular Order.

It is true, where a Statute creates a Crime, and appoints before whom it shall be tried; in such Case, if the *Sessions* is not named, they have no Jurisdiction; as in *Forgery* upon the Statute of 5 *Eliz.* which provides that the Indictment shall be taken before Justices of *Affize*, and Justices of *Oyer and Terminer*, for they have an express Clause in their Commission *ad audiend' & terminand'* (to hear and determine), yet they cannot proceed in their Sessions against Offenders of this Nature, because there is another Commission of *Oyer and Terminer*, which is distinctly known by that Name: This was adjudged in my Lord *Sanchar's* Case.

But there are many Things and Offences which by particular Statutes ought to be done and prosecuted in this Court; as *Ale-house-keepers*, whether they have forfeited their Recognizances. 5 & 6 *Ed. 6. c. 25.*

Ale, selling it to an unlicensed Alehouse-keeper. 4 *Jac. c. 4.*
Badgers offending against 5 *Eliz. c. 12.* without License.
Bailiff taking more than 4 *d.* for an Arrest. 23 *H. 6. c. 10.*
Bastards seizing Goods and Lands of their Parents. 13 & 14 *Car. 2. c. 12.*

Bridges, upon the Statute of 21 *H. 8. c. 5.*

Buggery. 25 *H. 8. c. 6.*

Bulls of Absolution, obtaining them from *Rome.* 13 *Eliz. c. 2.*

Busbel sealed. 11 *H. 6. c. 8.*

Carriage of Goods, Prices thereof. 3 & 4 *W. & M. c. 12.*

Cattle, buying and selling contrary to 22 & 23 *Car. 2. c. 10.*

Church, refusing to come thither for the Space of a Month.

5 & 6 *Ed. 6. c. 1.* 23 *Eliz. c. 1.* 29 *Eliz. c. 6.* 1 *Eliz.*

c. 1. 5 *Eliz. c. 1.*

Church

Church and Church-yard, striking there with Weapon. 5 & 6

Ed. 6. c. 4.

Clothes unlawfully stretched with Ropes, &c. 39 *Eliz. c. 20.*

Common Prayer, not using or abusing it. 23 *Eliz. c. 2.*

Conies, Good Behaviour for killing them. 3 *Jac. 1. c. 13.*

Corn, { *Licensing or prohibiting the Transportation.* 13 *Eliz. c. 13.*
Foreign imported. 1 *Jac. c. 19.*
Transporting into Scotland. 1 & 2 *Pb. & Mar. c. 5.*

Correction Houses, Order for erecting of them. 39 *Eliz. c. 4.*

7 *Jac. c. 4.*

Cottages, erecting them contrary to 31 *Eliz. c. 7.*

Counterfeit Letters, and getting Money by them. 33 *H. 8. c. 1.*

Curriers. 1 *Jac. 22. 4 Jac. 6.*

Escape of Felons. 1 *R. 3. c. 3.*

Estreats of Sheriffs, controlling them by Justices. 11 *H. 7. c. 15.*

Pheasants, taking them in the Night-time with Nets, &c. 23 *Eliz. c. 10.*

Fish, destroying them by Engines. 17 *R. 2. c. 9.* 1 *Eliz. c. 17.*

Forging Deeds. 5 *Eliz. c. 14.*

Forestalling, regrating and ingrossing. 5 & 6 *Ed. 3. c. 14.*

Hunting with Vizards in the Night-time. 1 *H. 7. c. 7.*

Hawking or hunting in standing Corn. 23 *Eliz. c. 10.*

Horses, { *Stoned, feeding on Commons above two Years old,*
and not 15 Hands high. 32 *H. 8. c. 13.*
Property not altered, unless tolled. 2 & 3 *Pb. & Mar. c. 7.*

Jesuits, and those who harbour them. 27 *Eliz. c. 2.*

Informer, exhibiting Suits in proper Person. 18 *Eliz. c. 5.*

Inn-keepers, selling Victuals at unreasonable Prices. 21 *Jac. c. 21.*

Jurors, levying Issues lost by them. 27 *Eliz. 7. 39 Eliz. c. 18.*

Linen made deceitfully. 1 *Eliz. 2. c. 12.*

Logwood used by Servants in Dying. 39 *Eliz. c. 11.*

Mafs, saying it. 23 *Eliz. c. 1.*

Master and Apprentice discharging. 5 *Eliz. c. 4.*

Malt, making it. 2 & 3 *Ed. 6. c. 10.*

Maltsters, restraining their Number. 39 *Eliz. 16.*

Money false, concerning it. 3 *H. 5. c. 7.*

Moss-Troopers, to suppress them. 29 & 30 *Car. 2. c. 2.*

News false, telling it. 2 *R. 2. c. 12. R. 2. c. 11. 1 & 2 Ph. & Mar. c. 3.*

Perjury, upon the Statute of 5 *Eliz. c. 9. 29 Eliz. c. 5.*

Prisoners,

Tax made for relieving them. 14 Eliz. c. 51.
 Prisoners, } Jac. 25.
 Providing Materials to set them on Work. 19
 Car. 2. c. 4.

Prophecies, false and fantastical, publishing. 5 Eliz. c. 15.

Riots, Routs.

Rome, maintaining the Jurisdiction of that See. 1 Eliz. c. 3.

Incorrigible convicted, may transport them. 13 &
 14 Car. 2. c. 12.
 Rogues, } Branding them. 1 Jac. c. 7.
 Banished, and returning without Licence. 39 Eliz.
 c. 2.

Sacrament, abusing it. 5 & 6 Ed. 6. 1 Eliz. 2. 3 Jac. 4.

Servant assaulting Master. 5 Eliz. c. 4.

Sheep, keeping above 120, or 20 Beasts, &c. 2 & 3 Ph. &
 Mar. cap. 3.

Soldiers maimed, relieving them by Taxing of Parishes.
 43 Eliz. c. 3.

Soldiers wandring are Felons. 39 Eliz. c. 17.

Tile, making and selling. 17 Ed. 4. c. 4.

Toll-Book, whether kept by the Owner of Fair, &c. 2 & 3
 Ph. & Mar. c. 7.

Victuallers, about limiting their Gains, and punishing them.
 2 Ed. 6. c. 15.

Under-Sheriff entring on his Office before he takes the Oath of
 Supremacy. 27 Eliz. c. 12.

Usury on the Statute of 13 Eliz. c. 8.

Wages of Labourers. 15 Eliz. c. 4.

Watches on Sea-Coasts. 5 Hen. 4. c. 3.

Weights and Measures. 9 H. 5. c. 8. 11 H. 7. c. 4. 8 H. 6.
 c. 5. 11 Hen. 6. c. 1.

Wine, selling it without License. 7 Ed. 6. c. 5.

Wool, conveying it from Place to Place. 13 & 14 Car. c. 18.

Some Things are particularly enjoined to be done in *Easter*
 and *Michaelmas* Sessions, and cannot be done in any other:
 As,

In *Easter* Ses- } Assessing Relief to maimed Soldiers. 43 Eliz.
 sions. } c. 3.
 Taxing the Wages of Labourers.
 Appointing Treasurers for County-Stock.
 Rating Parishes for charitable Use-money, &c.
 Assessing the Prices of Carriage of Goods.

In Michaelmas Sessions. } Justices who are to control the *Estreats* of Sheriffs, must be chosen in *Michaelmas* Sessions by the *Gustos Rotulorum*, or by the Eldest of the *Quorum*.
Price of Victuals must be then rated, or at Easter.

Order to remove a poor Man from *Waking* to *Oswell*, and upon an Appeal the Sessions *superfeded* that Order, and then ordered that the poor Man should be sent to *Waking*, these Orders being removed by *Certiorari*, it was moved to quash the Sessions Order, because they have Power only to *quash* or *affirm*, but not to *superfede* an Order, though but for a Time; besides here they have made an original Order, which they cannot do; it was referred to a Judge of Assize. Must affirm or quash Orders. Salk. 473.

An Order of Sessions was drawn up specially, to have the Opinion of the Court, which was thus concluded: *And if the Court should be of Opinion*, &c. then, &c. This was adjudged naught, because the Sessions ought first to determine the Matter, and not conclude to the Opinion of the Court. 2 Salk. 486.

Upon an Appeal to the Sessions, they made an Order to quash the Original Order, and to send the poor Man to the *Parish* from whence he was removed by that Order; it was insisted that the Sessions have only Power to *affirm* or *quash*, but here they made an *Original Order*; but adjudged that the Order was void as to that Part, and good as to the other Part. Far. 10.

On an Appeal to the Sessions, they discharged the Original Order, but did not say whether for Form, or upon the Merits of the Case, and for that Reason the Court of *B. R.* was moved to quash this Order of Sessions; but adjudged that they are not bound to set forth the Reason of their Judgment, no more than other Courts; and that where the Sessions discharges an Order upon an Appeal, and it appears to be good, *B. R.* will intend that it was discharged upon the Merits, and therefore will confirm their Order of Discharge; but if it appear to be bad, then *B. R.* will intend that it was discharged for Form.

Appeals made against Judgments or Orders given or made by any Justices of Peace, the Justices at any General or Quarter-Sessions are required, upon all Appeals so made to them, to cause any Defect of Form to be rectified without any Charge to the Parties, and shall then proceed to hear the Merits. 5 Geo. 2. c. 19.

Order of Sessions that the Clerk of the Peace should prosecute *T. P.* upon an Indictment for *Barretry*, and that the Charge should be allowed out of the County Stock, the Surplus whereof they had Power to dispose to charitable Uses, by Virtue of the Statute 43 Eliz. c. 2. but adjudged this was not

not a charitable Use, and that they had no Power to make such an Order.

Order of Removal from *T.* to *B.* and upon an Appeal, the Sessions made an Order to remove him to *A.* a third Parish, which appeared to them to be the last Place of his lawful Settlement, quashed because the Sessions made an Original Order when they ought only to reverse or affirm the first Order.

Strict Words are not required in an Order of Sessions as they are in an Indictment; but Forms are necessary in the Proceedings; and as to Fines imposed there, *B. R.* may mitigate them. *1 Vent. 37.*

The Sessions may bind a Man to his Good Behaviour for any rude and insolent Behaviour to the Court; and if he hath no Sureties, may commit him till he find some; but cannot indict him; and this is according to the Common Law of England.

Sid. 219.

The Sessions may fine a Jury for not finding a Bill upon plain Evidence; the Jury in this Case were fined 10 *l.*

And now I have mentioned Fines, it may not be altogether improper in this Place to inform the Reader what grievous Fines and Punishments have been inflicted on Persons for *Striking in Westminster-Hall*: For as the Court of Sessions should act in Conformity to the great Courts there in the peaceable Administration thereof; by Fighting in the Presence of the Court; the Punishment for such an Offence should bear some Proportion to that which is inflicted on Offenders for Striking in the Presence of the Court above, which is thus:

Dy. 118. b.

To wit, For Striking a Man in the Face, and threatening to hang him, if he gave Evidence against a Felon, who was then to be tried in *B. R.* he was imprisoned during Life, to

* During Life.

forfeit all his * Lands, Goods and Chattels; and that his Right Hand should be cut off, which was done accordingly.

Cro. Eliz. 405.

3 Inst. 140.

Cro. Car. 373.

For drawing his Sword on the Stairs going up to the Court of Requests, tho' it was out of the View of the Courts, Judgment to perpetual Imprisonment.

For assaulting another in the *Palace-Yard*, sitting the Courts, Imprisonment during the King's Pleasure, and fined 1000 *l.*

In these two last Cases there was no Judgment of cutting off the Right Hand, because the Facts were not done in the Presence of the Justices.

Sid. 229.

Then if before the Trial the Offender is bailed, it must be Body for Body; and formerly this Offence was punishable with Death.

Of their Power over their own Orders.

3 Salk. 494.

The Sessions made an Order, and the same Sessions vacated that Order by a subsequent Order; and both being removed by *Certiorari*, it was adjudged that they ought not to have returned the vacated Order; and that the Sessions being ac-

counted

counted in Law but as one Day, they may alter their Judgment and make a new Order.

Adjudged that where an Order is made at the Sessions, 'tis 3 Salk. 606. still in the Breast of the Court during all that Sessions, either to alter, revoke, or make a new Order to vacate the former, tho' 'tis drawn up in Form; and that the Court at the *Old Baily* have altered and set aside their own Judgment in the same Sessions, where they have given Judgment against a Man to be pressed to Death, and have afterwards allowed him to plead and be tried, and then have given another Judgment; the same Thing is done in *B. R.* where Judgments have been altered during the same Term; and the Sessions as well as the Term are accounted but as one Day.

Several Parishes joined in Relief of their Poor; but the Sid. 292. Poor increasing in one of them, they relieved their own Poor separately; and that Parish where the Poor increased complaining to the Sessions, where two Judges were present, it was ordered that the Parishes should join again to relieve their Poor; but at another Sessions it was ordered that they should relieve separately; this last Order was quashed, because one Sessions cannot alter an Order of another Sessions where any of the Judges are present.

The Caption of an Indictment at the Sessions was thus:

ff. Sessio tent' vicesimo & vicesimo octavo die Julii, &c. Of the Caption of Indictments. 2 Salk. 607.
(to wit, The Sessions held the 20th and 28th Day of July, and so forth) this was adjudged to be ill; for tho' the Sessions may be adjourned from one Day to another, yet that must appear distinctly, and not as if they were sitting from the 20th to the 28th Day of the Month.

When a Justice of Peace was Surveyor of the Highways, 2 Salk. 607: and a Matter coming in Question, at the Sessions, concerning his Office as Surveyor, and he joined in making the Order, and his Name was put to the Caption; for that Reason it was quashed.

Setting-Dogs. See Dogs.

Sewers.

THE Laws of *Sewers* are very antient, though the first Statute concerning them, is that of 6 Hen. 6. c. 5. for long before the Making of that Law, the Kings of *England* might and did grant Commissions for the Surveying and Repairing Sea-Banks, Rivers, &c. and usually the Justices of Peace

Vol. II.

M

Peace

Peace are made Commissioners : For which Reason I shall enlarge upon this Title.

By the Common Law, the King hath,

1. *Imperium Regale* (a Royal Dominion) over the Sea, &c.
2. *Potestatem Legalem* (a lawful Power).
3. *Proprietatem tam soli quam aquæ* (a Property as well in the Ground as in the Water).
4. *Possessionem & proficuum reale & personale* (the Possession and Profit real and personal).

The old Law-Books mention the Sea to be within the Li-geance of the King as of his Crown of *England*, and being under his Dominion, He and his Predecessors have by Letters Patent granted to the Admiral of *England* Power in *causis Maritimis*.

Now no Man can delegate a Power which he hath not; and this shews the Lawfulness of it. He likewise grants to him, *Bona in mari deperdita, super mare emergentia, & extra mare projecta* (Goods lost in the Sea, upon the Surface of the Sea, and cast out of the Sea), which are Profits arising in the Sea.

The King having therefore this Sovereignty over the Sea, the Ground covered with the Waters doth of Right belong to him; and by Consequence 'tis a Royal Escheat to the Crown when left dry.

But Lands, which *alternis vicibus* (alternately or by turns) are wet and dry, are not *relinquished*, and therefore may belong to the Subject, who likewise may have personal Profits arising on the Sea, as a free Fishery; so Tithes of Fish may be due to the Parson, and this (though not in a Parish) he may have either by Prescription or Custom, because these are Things which lie in Use; and this may be a Reason why the Subjects cannot claim Ground covered with the Sea, because it cannot be bounded by Custom or Prescription.

Lords of Manors may be entitled to Lands between High and Low Water-mark, because such Lands lie dry every Day.

But to prevent the Inundation of the Sea, the Statute of 23 H. 8. c. 5. 23 H. 8. was made, which was a Temporary Law, but made perpetual by 3 Ed. 6. c. 8.

In this Law there is a Form of the Commission (which must be under the Great Seal) and the Oath of the Commissioners, who are a Court, notwithstanding that Word is not named in the Statute, for they are called *Justices*; they have Power to make *Orders* which have the Force of Judgments, and Writs of

of Error have been allowed to reverse such * Judgments; they * But not since
 may issue out Proceſs to compel the Performance of their Or- this Statute,
 ders, and therefore in † Gregory's Caſe they are allowed to be March 19, 1671.
 a Court of Record; but then there muſt be fix of the Commiſ- † 6 Rep.
 ſioners, which ſhall fit by Virtue of this Court.

They cannot intermeddle, unleſs it be in Caſes of publick Prejudice as well as in publick Streams, for if they decree a Stream to be ſtraitned, ſo that the Meadows of a particular Perſon were overflowed, this is a private Damage, for which an Action on the Caſe will lie.

But they have Power	{	Over the Perſon, by	{ Fine. Amerciament. Imprifonment.
		Over the Goods, by	{ Diſtreſs, and Sale.
		Over the Lands,	{ By charging them; or, By Sale.

They may fine for ill Language, or for Contempt of the Fine. Commiſſioners in Court, or for any Diſturbance there; for contemning their Orders; for refuſing to obey them; they may fine their Officers for neglecting their Duty; for refuſing to accept of an Office being choſen, or miſdemeaning himſelf when in Office; for ſetting up Piles and Stakes in great Rivers, this being a *Purpreſſure*, which is in Nature of a *Nuſance* at Land, but then it muſt be preſented to be *vi & armis* (with Force and Arms).

They may fine the *Sheriff* if he doth not attend upon Notice, or if he neglect to return a Jury having a Warrant from them for that Purpoſe.

They may likewise fine a *Juror* for departing after his Appearance is recorded.

Theſe Fines, and likewise *Amerciaments*, muſt be every Year eſtreated into the *Exchequer* by the Clerk of the Commiſſioners, or he forfeits 5 *l.* for every Default. 13 *Eliz.* c. 9.

They cannot impoſe a Fine upon a Township, and levy it upon one Man, for it ought to be upon every Inhabitant in reſpect of his Eſtate. 2 *Cro.* 336.

Theſe are uſually ſet by the *Jury*, and are generally for *Amerciaments*. Offences which conſiſt in *non agendo* (in not doing), and in this reſpect they differ from Fines, for thoſe are impoſed on Offenders for doing what they ought not.

Offences for which Perſons are amerced, cannot be found to be by Force, becauſe they ariſe by *Sufferance*, *Neglect* or *Non-ſeazance*.

By suffering Walls or Banks to be in Decay, by neglecting to repair a Bridge, Causeway, or to cleanse a River, and the like, &c.

By casting Dirt, Sand, &c. in a River; 'tis true, this is an Act done, and therefore the Presentment must be, that it was done *vi & armis* (with Force and Arms), or that 'tis a *Purprossure*, and then the Offender may be amerced.

Amerciaments may likewise be set by the Presentments of Surveyors.

Imprisonment.
Taxing; the
Manner there-
of, and of Dis-
tresses.

2 Cro 336.
2 Bull. 198.

They cannot *Imprison* for disobeying their Orders, as they may for a *Contempt* in their Presence. *Sid.* 145.

A Tax ought to be made according to the Quantity and Quality of Acres, and not according to the Number of Persons,

A Rate or Tax being imposed on a Person, and he refusing to pay it, the Commissioners may grant a Warrant to distrain. 5 *Rep. Rook's Case*.

They cannot Tax a whole Township, but must set it upon particular Persons.

And in such Cases, the Goods of the Person upon whom 'tis imposed may be taken any where, but if it be upon a Presentment *ad reparandum vel amovendum* (to repair or remove), then the Distress must be taken within the Bounds of the Commission.

Where an *Assessment* is made upon particular Lands, a Stranger's Goods may be taken there, but not otherwise; but where Lands are not charged, but the Person only, as by *Fines*, *Amerciaments*, &c. then the Goods of the proper Person must be taken, and of no other.

These Goods may be sold, but not without a Warrant from the Commissioners, and so long as they remain in the Custody of the Officer who acts under the Commissioners, they cannot be replevied, because the Sheriff hath not so large an Authority as they have, but the Goods being sold may be then replevied in the King's Courts alone.

Where Lands
may be sold.

Lands may be sold for Sesses, and Charges imposed by the Commissioners which lie in Payment.

'Tis true, where a Man holds Lands by the Payment of a certain Sum towards the Repair of a Sewer; tho' this consists in Payment, yet upon this Neglect the Commissioners have no Power, until they first make an Order for the Payment, &c. because it ariseth by the Tenure of the Land, and not by Virtue of the Statute.

But if Lands are held generally *to repair*, &c. and the Sum certain is not known, though this is a Payment which ariseth likewise by Tenure, yet if the Commissioners impose a Sum, and the Person neglects to pay it, the Lands may be sold by their Decree.

But

But no Decree can be made for Sale of Lands, which are not within the Limits of the Commission, nor for a Copyhold, because that might be to the Prejudice of the Lord, nor for Non-payment of *Fines* and *Amerciaments*, because those are Mulcts or Punishments set upon particular Persons, and due to the King.

But now by the Act 7 *Annæ*, any Six of the Commissioners 7 *Annæ*, c. 10. may decree the Sale of Copyhold Lands, so as the Purchaser Copyhold. compound with the Lord of the Manor for the Fine, and then the Lord shall at the next Court grant unto the Vendor such Copyhold Lands, &c. for such Estate as shall be decreed by the Commissioners to him, reserving the antient Rent, and shall likewise admit him Tenant.

And Six of the said Commissioners may, by Warrant under their Hands and Seals, give Power to any Person to levy the Money by them taxed upon any Lands, chargeable with any Taxes by Virtue of their Commission; and this shall be done by Distress and Sale of the Goods of the Party that shall not pay, or refuse to pay the same, rendring the Overplus, and deducting reasonable Charges.

These *Decrees* must be certified into the *Chancery* to have the King's Assent, otherwise they are not binding; that being done, a *Decree* upon Tenant in Tail will bind his Heirs; it will likewise bind a *Feme Covert* or Infant, but not a Prebendary, Parson, Dean or Bishop, who are seised in their Politick Capacities, because they are restrained by particular * Statutes to make Alienation.

* 1 El. 43:
14 Eliz.
Traverse.

Presentments in a Court of Sewers may be *traversed* and tried there, but not what the Commissioners do upon their View: So if they fine a Person for a Contempt, 'tis not traversable, because 'tis the Act of the Court; if the Party is aggrieved, he must bring a Bill in Equity.

Such as lie upon an Ascent, and can be in no Danger of an Inundation; so likewise where Persons are bound by Tenure, Custom or Prescription, their Lands are exempted. Tithes likewise shall not be charged. Lands exempted from a Tax.

Lands which by special Custom are charged to do other Repairs, but not *in non reparando* (in not repairing) generally.

If a *Wear* or *Mill*, &c. is built on a navigable River, or an antient *Wear* enhanced, the Commissioners may order the Owner to pull down the one, and abate the other; and if he continue them, or build them up again, he forfeits 100 Marks, *per Stat. of 1 H. 4. 12 H. 4.* Wears.

If a Stranger sets up *Piles* or *Stakes*, he is to be fined or amerced, and may be ordered to remove the Nuisance.

And if it cannot be found who committed it, the Commissioners may order those to abate it who are likely to receive most Damage.

Sewers, where no Passage of *Boats* is used, nor where the Water doth not ebb and flow, are not under the Survey of the Commissioners by Virtue of this Statute, because their Commission extends only to *Walls, Ditches, Banks, &c.* by *Coasts* of the Sea, and Marsh-Grounds, which are damaged by the Flowing and Ebbing thereof, or of Fresh Waters descending therein; and therefore a particular Law was made, *Anno* * 3 *Jacob.* that the *Walls, Ditches, &c.* in or about *London* where no such Passage is used, and where the Water falls into the *Thames*, shall be subject to the said Commission.

Continuance of Commission. The first Commission by the Statute of 23 *H. 8.* was to continue no longer than five Years; but now by a subsequent Law, *viz.* 13 *Eliz.* the Term is enlarged to ten Years, unless it shall be repealed, or determined by a new Commission or *Supersedeas*.

13 *Eliz. c. 9.*

And notwithstanding such Determination by *Supersedeas*, yet the Laws and Orders, made by Virtue of such Commission before it is determined, shall continue in Force without any Return thereof made into the *Chancery*, and without the Royal Assent until they shall be altered, repealed or made void by the new Commissioners, or any Six of them.

But then these Orders must be written in Parchment indented, and under the Seals of the Commissioners, or Six of them, one Part whereof may remain with their Clerk, and the other Part where they shall appoint; which Laws shall then continue in Force for the Space of one Year next after the Expiration of ten Years from the *Teste* of the Commission.

And in the same Statute it is enacted, That the Commissioners shall not be compelled to make a Return or Certificate of their Laws or Orders, nor be fined for that Cause.

But this must relate to Certificates and Returns made into the *Chancery*, and not into *B. R.* upon *Certiorari's* deliver'd, and therefore they have been fined for proceeding after the Delivery of such Writs. 1 *Mod. 44.* 1 *Vent. 66.*

And if there is no new Commission within that Time, then the Justices of Peace may execute these Laws for that Year; but there must be Six of them (*Quorum unus*), and they must be Justices, &c. of the County where the said Laws were to be executed by Virtue of the Commission expired.

But a new Commission being once granted, though within the Year, the Authority of the Justices is then to cease.

Erecting and repairing. See Banks.

It has been held, That these Commissioners, upon great Occasions, may make Orders for erecting *New Banks* and *Cuts*, as well as for repairing the *Old*, so as they compound with the Owners of the Soil.

But this is contrary to the Resolution in the Case of the † *Isle of Ely*, where 'tis held, That the Commission extends only

† 10 *Rep.*

only to Reparation, and new Making antient Walls, Gutters, &c. and not for Recruiting new Rivers; for a Tax for new Inventions, tho' profitable, must be raised by a voluntary Contribution.

Where one is bound by *Prescription*, or otherwise, to repair, he ought to do it, if the Danger is not inevitable; but if 'tis so by his Fault or Neglect, and he is not able to repair, every one who hath any Damage may have an Action against him.

But if the Danger is inevitable, by Reason of the extraordinary Rage and Violence of the Waters; there to prevent a publick Inconvenience, the Commissioners may tax all who are likely to have any Loss, tho' one is bound to repair. 20 Rep. *Kighly's Case*. *Style* 179.

And they ought not in such Case to tax him or those only who have Land next adjoining. 3 Rep. *Rook's Case*.

They may proceed by { Jury.
View.
Discretion.

1. By Jury impanelled to enquire who hath set up any Impediments, who have neglected to repair, &c. who are bound by Custom or Prescription, Tenure or Covenant, and what Quantity of Lands, what Ground lies within the Reach of the Waters to which any Damage may be done.

And if the Jury find that such a Person ought to repair, tho' he remove it into *B. R.* they will not quash it, or grant a new Trial until 'tis repaired; and there, if upon a new Trial he is acquitted, he shall be re-imburfed. *Sid.* 78.

2. By View, *viz.* By seeing the Fences, discoursing with Workmen, what is necessary to be done, and how much it will cost.

By *Frontage*, *viz.* Those who have Ground *fronting* the Sea, unless some other Person is bound to repair by *Custom* or *Prescription*. Who, and for what Causes are bound to repair.

By *Ownership*, *viz.* The Owner of a Bank or Wall: By Prescription *ratione terræ* (by Reason of the Land); but Bodies Politick may be bound by Custom, without any Land. *Fitz. Abr. tit. plac.* 103.

By *Tenure* of the Land, *viz.* If it is given for that Purpose: By *Covenants*, but this doth not bind the Heir, unless he hath Assets by Descent from him who entred into the Covenant.

A *Township* may be taxed, and the Tax levied upon one Person; but then it ought to be on such a Person who is to bear some Part of the Charge, and not upon one wholly exempted.

The Person thus taxed may complain to the Commissioners, who may make an Order for a Contribution according to the Quantity and Quality of the Ground of such who are liable to contribute, and they may award Process to compel them to pay it.

But the best way is, When they have agreed how much to set on a Township, then to send for some of the Inhabitants, and by their Assistance to make a Rate.

The Parson is not liable for his Tithes, unless by Custom; but for his Glebe he is, because he had it from a Lay-Donor: but if the Tithes are in the Hands of a Lay-Man, then they are liable to be taxed, because *tunc decimæ transiunt in Cattle* (then the Tithes pass into Chattels).

Annuities.	{ By Prescription; if such issue out of Lands which are chargeable to the Tax, then such Annuities are not liable to be charged.
Common.	{ Those who have <i>Common</i> of Fishery, Turbary or Pasture in great Fens or Marches, are liable to be taxed; but those who have <i>Common in Agris seminatis</i> (in Fields sowed), after the Corn seyered, are not.
Copyhold.	{ Is chargeable, but the Commissioners cannot sell the Land for Non-payment.
Fairs.	— Are not to be charged for the Profits thereof,
Ferries.	{ He who hath the Profit of a Ferry may be charged.
Herbage.	{ He who hath <i>primam vesturam Terræ</i> (the first Mowing of the Ground), may likewise be charged.
Lessor and Lessee.	{ The Lessor must be taxed for great Repairs, viz. For building a <i>New Bank</i> or <i>Wall</i> , or repairing both; but for small and annual Reparations, the Lessee only.
Level.	{ If there is an apparent Danger the whole Level may be taxed, though a single Man is bound to repair.
Market.	— Not taxable for the Profits there.
Mortgagor.	— Is to be taxed.
Parks.	— In the Level must be taxed.
Patron.	— Not liable for his Right of Presentation.
Port.	{ To repair a Port, the whole County may be taxed.
Tenant in Tail in Possession.	{ Is liable, but not he in Reversion or Remainder.
Warrens.	— In the Level are to be taxed.

I shall conclude this Title with an Explanation of several Terms relating to it, and shall only mention the Writ of *Certiorari*.

- Bay. — Is the same with a Creek.
- Bank. { Is the utmost Border of dry Land, made *Ex solo & fundo quæ propriis naturis sunt eadem cum terra super qua ædificatur*; the Property is to him whose Grounds are next, but the Use and Occupation to all: 'Tis therefore in that Respect like a Highway; if 'tis cut, the Owner of the Soil may have an Action of Trespass; if any one receives a Damage by that Cut, he may have a Special Action on the Case, or the Offender may be indicted.
- Creeks. { Are Inlets of the Sea running into the main Land, having no safe Harbour, or legal Privilege.
- Coasts of the Sea. { Are such Towns or Territories as lie next the Sea.
- Causway. { Is a Passage made of Earth, Gravel, Stone, &c. by Art, on some Highway, leading through Grounds surrounded with Water.
- Ditches. { Are Currents of Water in *infimo gradu*, which have no apparent Current, nor any constant Standing.
- Gates. { Are Engines built with Doors of Timber to let the Land-floods into the Sea.
- Gutter. { This is less than a Sewer, being of a narrower Passage, and the Use of it is private.
- Haven. { Is a little Place of Harbour for Ships, but hath no Privilege.
- Islands. { These are *loci undique aquis circumdati*. *England* is a *Peninsula*, which with *Scotland* makes an Island.
Guernsey and *Jersey* are Islands, but not within the Realm of *England*, or govern'd by our Laws, the King hath them by his Title to *France*.
 The *Isle of Man* was formerly a little Kingdom, and had a King who was Viceroy to the King of *England*, and is a Member thereof to this Day.
 The *Isle of White* was formerly Part of *Hampshire*, and severed from it by the Violence of the Sea.

Pond.

Sewers.

- Pond. } Is a standing Ditch cast by the Labour of Men in the private Grounds.
- Pool. } Is a standing Water without any Current; 'tis private both in Property and Use, and therefore not within the Commission of Sewers.
- Port. } Is a safe Harbour which hath legal Officers, and where Goods are usually laden and unladen.
- River. } Is a running Stream pent in with Walls or Banks on either Side; and so far as the Sea doth flow and ebb 'tis a Royal Stream, and the Fishing belongs to the Crown, but the Subject may have it by Custom or Prescription; but where the Sea doth not ebb, the Owner of the Soil of each Side hath a Right of Fishing.
- Sewer. } Is a Fresh-water Trench, or small Current, or little River compassed on both Sides with Banks.
- Stream. } Is a Current of Water running over a Level, and not kept in with Banks or Walls.
- Wall. } Is an artificial Work made of Materials brought thither at the Charge of the Party, and therefore belongeth to him whose Grounds do next adjoin.

The Returns and Proceedings of Commissioners of Sewers are all in *Englsh*.

Certiorari and Return. If they proceed after a *Certiorari* delivered, the Court of *B. R.* will grant an Attachment, and they may be fined and committed for a Contempt. 1 *Levinz* 288.

The Return was, *quod presentatum fuit per Juratores* (that it was presented by the Jurors), without saying *duodecim* (twelve), and for this Reason not good. *March's Rep.* 123, 198.

A *Mandamus* was granted to the Commissioners, for that an *Archdeacon* was made *Expenditor*, he being to be exempted by Law, because it is a Secular Office, and inferior to his Degree. This was *Dr. Lee's Case of Rochester*. *Anno 22 Car. 2.*

See the Stat. 13 *Geo. c. 18.* For the effectual Draining and Preservation of *Haddenham Level*, in the *Isle of Ely*.

Sheep. See **Pasture**.

Sheriff.

Sheriff.

IS an Officer of great Antiquity and Authority amongst us, for I find him mentioned amongst the Laws of *Edward* the Elder, and his Son *Athelstane*, which is now above 770 Years since.

And as for his Authority, he had the Custody of the County in those Days for the Use of the King, where no *Comes* or *Alderman* presided, those being synonymous Words amongst the *Saxons* and *Danes*.

This Officer is expressed in *Latin* by the Name of *Vicecomes*; but Mr. *Selden* tells us, the Particle *Vice* doth not signify any Subordination to the *Comes* or *Alderman*: But the Meaning of it is, that this Office was *supplere Vicem Comitis* (to supply the Place of the Earl), or *Aldermani*, in such Counties where an *Earl* or *Alderman* governed.

But tho' before the Conquest, the *Earl* or *Alderman* was plac'd in most Counties, (for as *Bracton* observes, the Kingdom was composed of Earldoms and Baronies,) yet these were Feudal or Honorary Dignities, and the County was still subject to the immediate Jurisdiction of the King, who had Sheriffs there for that Purpose.

And these were Persons skilled in the Laws of the Land, for they were Judges of all Matters arising within the County; and no Man applied himself to a Superior Court, but only in Cases where Justice was not done in the County.

And this appears by the ancient Form of the *Writ of Right*, by which the King commands the Lord to do *Right* to his Tenant, which if he doth not, then he commands the Sheriff to do it, *Ne amplius inde clamorem audiamus pro defectu recti* (that we hear no more Clamour thereof for Defect of Right).

There were two Courts in which Justice was then administered; one called the *Sciremote*, otherwise the *Folcmote*, and now the *Sheriff's Tourn*.

The other called the *County Court*. Of both which Courts the Sheriff had a Jurisdiction.

For though in the *Saxons* Times the Bishop of the Diocese, and the Earl or Alderman, were by the Laws of King *Edgar*, who instituted the *Tourn*, commanded to be twice a Year there present, to direct as well in Divine as in Secular Matters; yet that Command was not exclusive to the Sheriff, for the *Vice-domini*, *Præfati*, *Præpositi*, &c. (the chief Lord, Governor, Provost, and so forth) were likewise to be present in that Court.

The *Tourn* is a Court of Record, held before the Sheriff to *Tourn*. hear and determine small Felonies and Nufances; and out of this Court the *Leet* was derived, and granted to particular Lords

Sheriff.

Lords of Manors. This Court is to be kept twice in a Year, viz. *infra Menssem Pasch. & Mich.* (within one Month of Easter, and Michaelmas).

The Power of Stewards in *Leets*, and of Sheriffs in the *Tourn*, is the same; but if the Sheriff will enquire into what is usually inquirable at the *Leet*, and which hath been found there, he cannot distrain for an Amerciament upon such a Presentment without being a Trespasser, but in the Lord's Default he may enquire, &c.

Formerly the Sheriff in this Court inquired of all *Felonies* at Common Law, but of none by Statute; but this was when it was one of the highest Courts which the King had: Now he cannot hold Plea of any Felony, or for any Debt or Trespass, for he is restrained by * *Magna Charta*.

* Cap. 13.

In those Days he took In- } *Commissionis* (of his Commission);
dictments, *Virtute* (by } or,
Virtue) } *Officii* (of his Office).

The Power which he had by *Commission* from the King, was taken away by the Statute 28 *Ed. 3. c. 9.* because they abused the Authority which they had, by committing Persons to extort Fines from them, and sometimes merely out of Malice.

But the Power which they had *Virtute Officii* continued till *Ed. 4.* and they having abused that likewise, by impanelling Jurors without any Freehold, to serve their Purposes, and by awarding Process upon Indictments, by assessing great Fines, and committing several Persons; all this Power was quite taken away by the Statute 1 *Ed. 4. c. 2.*

'Tis true, they might still take *Indictments* in this Court, but they could award no Process, for they must deliver such *Indictments* to the Justices of the Peace at the next Sessions, under the Penalty of 40 *l.* and the Justices by this Statute have Power to proceed as if such Indictments were taken before them.

If they do return the *Indictments* to the next Sessions, they are all void; and if they Arrest, Fine or Imprison, without any Process from the Justices in their Sessions, they shall forfeit 100 *l.* one Moiety to the King, the other to the Party grieved.

But he may still commit for an Affray in his Presence, sitting in the Court, or may bind them to the Peace, and commit them for Want of Sureties, and may impose a Fine for any Contempt there, or Disturbance of the Court.

Suitors making Default may be amerced and distrained, so may Jurors departing without giving a Verdict.

At this Day, the Authority of the Sheriff in this Court is chiefly to preserve Order and good Government in the County, by

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by Inquiry into Offences committed against the Peace, and of other common Nufances amongst the People.

And upon Presentments of *Nufances*, the Offender cannot be amerced there, but such *Presentment* must be certified to the Justices as aforesaid.

But this Court, and the *Leet* also, are now almost disused; the Reason may be, because after the Wars between the Houses of *York* and *Lancaster* were ended, and the Nation wholly at Peace, Men had Leisure to invent new Crimes, which occasioned the making new Laws, to transfer the Punishment of such Crimes to a superior Jurisdiction.

Constables were now to present such Offences to those Courts who had Cognizance thereof by these new Laws, and a new Set of Men were introduced unknown to former Ages, and these were called *Informers*, of which there could be no Occasion before, because there were *Leets* almost in every Parish constantly held twice a Year, where the Juries of their own Knowledge, without any *Presentment* or *Information*, might take Notice of publick Nufances, and of all Offences against the Peace.

The Stewards in those Days were very careful to give the Juries a particular Charge to be exact in their Enquiries, because Sheriffs in their *Tourn* were always watchful and inquisitive of their Actions, and ready to take Advantage of their Neglects, for by this Means the *Leet* might be seized, and then the People were bound to come to the *Tourn*.

The *County Court* still continues. It was instituted by *Ed-County Court*; *mund the Saxon*, sixty Years before the *Tourn*; but it is not a Court of Record as the *Tourn* and *Leet* are, because these were instituted for the Publick Good, in order to preserve the Peace, and to punish Nufances; but the other is of private Jurisdiction to determine Causes between the Parties, under the Value of 40 s.

Formerly this Court held Plea of Tithes of Land, in such Case where the Lord of the Manor where the Land lay had not done Justice; and at this Day by a Commission from the King, which is called a *Jusficies*, they may hold Plea in personal Actions to any Value; and in some Cases, by this Writ they may hear and determine real Actions.

		<i>l.</i>	<i>s.</i>	<i>d.</i>	
Fees thereof;	Sheriff	_____	_____	_____	Arrests.
	Bailiff	_____	_____	_____	
	Gaoler	_____	_____	_____	
	Bond for Appearance	_____	_____	_____	
		00	01	08	
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If he takes more, he is to pay treble Damages to the Party grieved, and 40 *l.* to the King and Prosecutor, *per Statute* 23 *H. 6. c. 10.*

Hut. 70.

A Sheriff took 30 s. for a Warrant upon a *Capias ad Satisfaciend.* on a Judgment for 103 l. This is Extortion at Common Law, but not within the Statute, because it speaks of Fees to be taken upon the Arrest of the Party when *bailed*, and a Man cannot be bailed who is taken upon a *Ca. Sa.*

Assizes.

He shall not fend any Provision to Judges, or Gratuity to his Officers; shall not have above 40, or under 20 Men in Liveries.

Forfeiture is 200 l. per Stat. of 13 & 14 Car. 2. c. 2.

Bailiwick.
County.

Letting it to Farm { The same Forfeiture as for Arrest, per
Stat. of 23 H. 6. c. 10.

Noy 102.

He took Money of the Gaoler for his Place, and his Servant sold the Bailiwick, but the Sheriff took the Money; this was held to be within the Statute of 4 H. 4. c. 5. of letting his County to Farm, and he was fined.

		l. s. d.
For Execution, not	Must take no more than for every Pound under 100 l. } If above 100 l. —————	
in Cities or Cor-		00 01 00
porations.		00 00 06

Forfeiture is treble Damages to the Party grieved, and 40 l. to the King and Prosecutor, per 29 Eliz. c. 4.

Cro. Eliz. 264.

An Information was brought against the Sheriff of Gloucester upon this Statute, for taking more than 12 d. in the Pound for executing a Judgment out of the *Common Pleas*: The Defendant pleaded the Proviso in the Act, which is, That it shall not extend to Fees for Executions within Cities or Corporations; and upon Demurrer it was objected, That the Proviso related only to Executions on Judgments in their own Courts; but it was held, That it extended to Judgments in all Courts.

2 Geo. c. 15.

He must not take more than twelve Pence for every twenty Shillings of the yearly Value of the Lands, for executing an *Habere facias possessionem aut seisinam*, where the Whole exceedeth not the yearly Value of One hundred Pounds, and Six Pence only if under.

He shall not take Poundage for executing a *Capias ad Satisfaciend.* or upon charging one in Execution for any greater Sum than the Debt really due to the Plaintiff, which Sum the Plaintiff shall mark and specify on the Back of the Writ, before it is delivered to the Sheriff to execute: Sheriff or Bailiff taking more Fees, and being convicted, shall be guilty of Extortion, and shall forfeit treble Damages to the Party grieved, and double the Sum extorted, upon Proof before the Judge of such Court out of which the Writ issued, in such summary Way as to them shall seem meet, and moreover shall

forfeit 200 *l.* a Moiety to the Crown, the other Moiety to the Prosecutor, to be recovered in any Court of Record at *Westminster*, so as the Prosecution be within two Years after the Offence done.

Forcible Entry. { He must assist the Justices of the Peace: He must levy the Fines estreated into the *Exchequer*.
He must impanel a Jury to inquire of the Force, upon a Precept to him directed from the Justices; which if he refuse, he forfeits 20 *l.* between the King and Prosecutor, to be recovered by Indictment in Sessions.

If he return those who have not 40 *s. per Annum*, he may be indicted. 8 *H. 6. c. 9.*

Force. { Entering or detaining with Force, the Party grieved may have a Writ directed to the Sheriff upon the Statute of *Northampton*, by Virtue whereof, if he find the Force, he may make Proclamation, commanding the Offenders to be gone; if they refuse, he may seize their Arms, and commit their Persons, but he cannot make Restitution: This must be by Virtue of the Statute of 8 *H. 6.*

Gaol. { He is chargeable with the Gaols and Prisoners, and must put in such Gaolers for whom he will answer; but the Gaolers who have the actual Possession shall be liable for wilful Escapes, if they have wherewith to satisfy; and if he suffer a Felon to escape, he shall be hanged. This was done in the Case of a Gaoler in *Cambridge*, in the Reign of Queen *Eliz.*

Indictments. { Indictments or Presentments taken in *Tourns*, must be delivered at next Sessions to the Justices of the Peace, or else the Sheriff forfeits 40 *l. per Stat. 1 Ed. 4. c. 2.*

Returning any Bailiff, Coroner, Steward, or Servant of theirs on a Jury, forfeits treble Damages to the Party, and 40 *l.* to the King and Prosecutor. 23 *H. 6. c. 10.*

Juries. { By the Statute he is to have for } *l. s. d.*
the Panel _____ } 00 00 04
No

Sheriff.

Juries.

No Juror shall be returned without an *Addition*. 27 *Eliz. c. 7.*

Tales-Men shall be returned out of some other Panel to serve at the same *Affizes*.

Summons of Persons qualified to attend on Juries must be made *six Days* before, by shewing the Warrant under Seal of the Office, or by a Note in Writing under the Hand of the Officer, to be left at the Dwelling-house of the Jury-man.

Summoning otherwise than as aforesaid, or neglecting his Duty, or excusing any one for Favour or Reward, or allowing an Exemption to any one under seventy Years old, the Sheriff, Under-Sheriff, or Bailiff, forfeits 20 *l.* to the Party grieved, or to any one who will sue for it.

None shall be returned at *Affizes* or *Sessions* in the County of *York*, but once in four Years.

One Panel of forty-eight Freeholders or Copyholders, each having 80 *l. per Annum*, shall be returned on the *Grand Jury*.

Oath of Under-Sheriff.

Of Supremacy, and of his Office, may be taken by him before two Justices of the Peace; if he act without taking the Oath, he forfeits 40 *l.* to the King and Prosecutor. 27 *Eliz. c. 12.*

Peace.

He is *Conservator* of the Peace through the whole County; he may command any Offender to find Surety of the Peace; he may *Ex Officio* take a Recognizance, and so he may by Virtue of his Commission, which is *Commissimus vobis custodiam Comitatus*. See the Introduction.

Plaints shall not be entred in County-Courts, but in the Name of the Party Plaintiff, either by himself or Attorney.

He must find Pledges which are known in the County, to pursue his Plaintiff; and there must be but one Plaintiff for one Cause, under the Penalty of 40 *l.*

The Defendant must be summoned by a Bailiff, under the Penalty of 40 *s.*

Plaints.

Any Justice upon Complaint may examine Plaints and Officers, and if he find them guilty, shall within three Months certify the Examination into the *Exchequer*, upon which

Plaints.

which they shall be convicted to pay the
aforesaid 40*s.* without farther Inquiry.

Two Justices may view his *Estreats* before
they issue out of the County-Court, and
there must be two Parts of them indented
and sealed by those Justices and Sheriff;
one Part to remain with the Justices. If
he refuse to *appear*, the Justices may make
a Process directed to the Coroner to com-
pel him; and this is a *Ven. fac.* 11 H. 7.
c. 15.

Warrants.

Making Warrants without the original Pro-
cess, if the Offence is confessed or proved
by sufficient Witnesses, the Judges shall
commit the Offender, and not be enlarged
until he pay to the Party grieved all his
Cost and Damages to be assessed by the
Judge, and 20*l.* more, and 20*l.* to the
King. 43 Eliz. c. 6.

Sir Lewis Mordant was Sheriff of *Bucks*, his Father died 20
Aprilis, the Parliament then sitting, so that he was a Peer;
but his Office of Sheriff was not determined by his Peerage.

An Indictment against a Sheriff, for di- viding one Contract into several Plaints.

Kent, to **T**HE Jurors for our Sovereign Lord the King
wit, upon their Oath presents, That whereas R. O.
of, &c. on the first Day of April in the ninth Year of the
Reign of our Sovereign Lord George the Second, now King of
Great Britain, &c. had lent one T. N. four Pounds and ten
Shillings of good and lawful Money of Great Britain, to be paid
to the said R. O. when ever after he should be thereunto re-
quired, and that R. E. of H. in the County aforesaid, Esquire,
late Sheriff of the said County on the twenty-first Day of April
in the same ninth Year above-mentioned, did wilfully, craftily,
and fraudulently enter three several Plaints against the said
T. N. (the said R. E. being then Sheriff of the County afore-
said) in his County-Court held at L. in the said County, for the
Recovery of the said Debt for him the said R. O. in the same
Court, each Plaint aforesaid being entered for the Sum of thirty
Shillings, and so did divide one intire Contract into several
Plaints, in Deceit of the Subjects of our said Lord the King,
and against the Peace of our said Lord the King, his Crown
and Dignity.

Ships.

BY 9 Geo. 2. c. 37. After 24 June 1736, all foreign made Sail-cloth, imported as Merchandize, shall be stamped at the Port of Landing, and the Commissioners of the Customs shall provide the Stamps, and any Person counterfeiting the same shall forfeit 50 *l*. Selling with a counterfeit Stamp also forfeits 50 *l*.

After 29 Sept. 1736. The Makers of *British* Sail-cloth shall stamp their Names and Places of Abode on every Piece, on Penalty of 10 *l*. for each Piece, and the Cloth so sold, and 5 *l*. for wilfully obliterating the Stamp, or affixing another Person's Stamp; and a Penalty of 50 *l*. to be paid by the Maker, is laid on every Ship built in *Great Britain* or *British* Plantations in *America*, not having a compleat Set of Sails of *British* Sail-cloth, and every Person forfeits 20 *l*. on working up foreign made Sail-cloth not stamped.

The Dimensions and Weight of *British* made Sail-cloth after 29 Sept. 1736, is to be

Number 1	44	} Pounds each Bolt.
2	41	
3	38	
4	35	
5	32	
6	29	
7	24	
8	21	
9	18	
10	15	

The whitening Flax-yarn with Lime forfeits 6 *d*. a Yard; the Act, or an Abstract thereof, is to be put up in Shops and Work-houses, on Forfeiture of 40 *s*. All Forfeitures are to be recovered by Action of Debt, &c. one Moiety to his Majesty, and the other to the Prosecutor.

The Act to continue from 24 June 1736. for five Years, &c.

See *Wreck*.

Shoe

Shoemakers.

Putting Boots or Shoes to Sale on the Sabbath-day, forfeits 3 s. 4 d. and the Goods. 1 Jac. I. c. 11.

Journeyman Shoemaker, or Person hired as such within 9 Geo. c. 27. the Bills of Mortality, accused by the Master employing him of fraudulently imbezilling, selling, pawning, or exchanging any Boots, Shoes, Slippers, cut Leather, Lace, Lasts, or other Materials for making Boots or Shoes not being the proper Goods of the Person accused, any Justice, &c. may, upon Complaint on Oath, summon the Party accused, or grant his Warrant to apprehend him, and to bring him before the Justice, who on his Appearance, or in Default thereof, may proceed to examine the Fact; and either upon Confession, or the Oath of one Witness may convict the Offender, and award the Party grieved reasonable Satisfaction, and if not paid immediately, may grant his Warrant to levy it by Distress and Sale; and if no sufficient Distress, then to be whipp'd in the Parish where the Offence was committed. See the Statute at large.

A Warrant on the said Statute for a Journeyman Shoemaker to make Satisfaction for imbezilling Leather.

W Hereas Complaint hath this Day been made unto me W. B, Esq; one of his Majesty's Justices of Peace for the County of M. by T. D. of, &c. Shoemaker, on Oath, That E. F. a Journeyman to the said T. D. having on, &c. last delivered to him by the said T. D. a certain Quantity of Cut Leather, and other Materials, sufficient to make one Pair of Boots and two Pair of Shoes, &c. he the said E. F. hath pawned or imbezled the same, and not wrought it into Boots or Shoes for the said T. D. and it so appearing on Examination of the said E. F. who was brought before me by Virtue of my Warrant to answer the Premises: These are therefore to command you to levy the Sum of, &c. by Distress and Sale of the Goods of the said E. F. which I do hereby adjudge to be a reasonable Satisfaction to the said T. D. for his said Leather and Materials imbezled as aforesaid, in case the same be not immediately paid by the said E. F. and if he shall have no Goods whereof Distress can be taken for the said Sum, then you are to whip, or cause him to be whipp'd, as the Statute directs. Given, &c.

Silk-throwing.

EXercising that Trade, not being Apprentice to it for seven Years, forfeits 40 s. per Month to the King and Prosecutor.

Silk-Winder or Doubler, imbezling Silk delivered to him, or the Buyer of such Silk, shall be punished by one Justice of Peace, by paying the Damages and Charges, not exceeding what the Party grieved shall prove he is damnified or hath expended; and if not paid within fourteen Days, shall be whipp'd, or set in the Stocks. 13 & 14 Car. 2. c. 15.

Smuglers.

THE frequent and base Practice of Smugling, that is, of clandestine Landing and Running of Goods without paying the Duties imposed by several Acts for that Purpose, hath caused several Laws to be made to prevent the same, some of which see Title **Customs**; but these Laws not being sufficient, and Smugling becoming more notorious, not only to the great Prejudice of his Majesty's Revenue, but highly injurious to the fair Trader in general, who by this Means was underfold in his Commodities; the Consequence whereof is obvious to every one in Trade; therefore to prevent such growing Evils, by the 9 Geo. 2. c. 35. intituled, *An Act for indemnifying Persons who have been guilty of Offences against the Laws made for securing the Revenues of Customs and Excise, and for enforcing those Laws for the Future*, it is enacted, That all his Majesty's Subjects, their Heirs, &c. who before 27 April 1736. have incurred any Penalty by clandestine Running of Goods, &c. making false Entries of Goods, or abusing Officers, &c. shall be indemnified, and may plead the said Act for their Discharge, paying only 1 s. 4 d. for entering the Plea, provided that they stop all Proceedings brought against Officers, or their Assistants, for or concerning any Matter, Cause, or Thing committed by such Officer, or his Assistant, on Occasion of any Offences, &c. intended by the said Act to be released and discharged, and in Case any Person shall claim the Benefit of this Act, and shall afterwards bring any Action against an Officer, &c. such Officer, &c. shall be discharged, may plead the general Issue, &c. and may recover Cost against such Plaintiff.

All

Smuglers.

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All Persons taking, or being intitled to, the Benefit of the said Act, and shall be afterwards guilty of the like Offences; shall be liable to be prosecuted for both the former and new Offence, and for Smugling-Bonds, &c. the Act is not to discharge any Judgment for Monies actually levied, nor the Informer's Part of the Penalty; and all Persons liable to be transported for any such Offences, committing the like after claiming the Benefit of the said Act, shall suffer Death as a Felon without the Benefit of Clergy; and all Persons neglecting to pay Composition-Money (before agreed to be paid) shall be excluded from the Benefit of the said Act.

Excepted out of the said Act all Seizures of Goods, Vessels, &c. Money due on Entry of Goods, or Bond, Debentures fraudulently obtained, and Actions depending, and the Treasury may compound in Cases where Judgment was given for his Majesty on the 11th of May 1736, relating to Debentures, &c.

That from and after the 24th of June 1736, upon Information upon Oath before any one or more Justices of the Peace, that three or more Persons are, or have been after the said 24 June 1736, assembled together for any the Purposes aforesaid, and are or have been armed with Fire-Arms, or other offensive Weapons, may grant a Warrant for apprehending them, and may (if upon due Examination he or they find Cause) commit them to the next County-Gaol, there to remain without Bail or Mainprize until discharged by due Course of Law; and upon Conviction of their being assembled to assist in the Running of Goods, they shall be transported for seven Years, as other Felons by the Act of 4 & 6 G. r. and returning before the Expiration of such Term, shall suffer Death as Felons without the Benefit of Clergy.

Any Person, apprehending any other Person guilty of any of the last mentioned Offences, shall have a Reward of 50 l. and the like Sum of 50 l. shall be paid to any Person maimed in the Apprehending; and if any one is killed, his Executors shall have 50 l. and Offender discovering two or more Accomplices within three Months after the Offence committed, to the Commissioners of the Customs, shall himself be discharged, and shall be intitled to the like Reward of 50 l.

That from and after the said 24th of June 1736, if Two or more Persons are found passing together within five Miles of the Sea, or a navigable River, with Horse, Carts, &c. whereon shall be laden six Pound-weight of Tea, or five Gallons of Brandy, or other Spirits, &c. not having paid the Duty, and bearing offensive Arms, or being masked, &c. shall be deemed Runners of foreign Goods within the Meaning of the Act of 8 Geo. 1. and the Proof of the Entry and Payment of the Duties shall lie on the Persons found with the Goods; such Persons, upon Conviction, shall be adjudged

guilty of Felony, and be transported for seven Years; and returning before the Expiration of the Term shall suffer Death without the Benefit of the Clergy.

All Goods, Weapons, Cattle, and Package of Goods, &c. so found, shall be forfeited and lost.

The 50 *l.* Reward to Persons wounded in apprehending, and to the Executors in Persons killed, and to the Discoverers of their Accomplices, are to be paid by the respective Receivers General, by Order of the Commissioners, on Certificate of the Judge of the Offender's Conviction; and the Commissioners shall adjust each Person's Share in Case of Difference.

Upon Information on Oath before one or more Justices of the Peace, that Persons are lurking within five Miles of the Sea or navigable River, and there is Reason to suspect that they wait with Intent to be aiding and assisting in the Running, Landing, or Carrying away any prohibited or uncustomed Goods, may grant a Warrant for apprehending them; and they not giving a satisfactory Account may be sent to the House of Correction, and be whipp'd and kept to hard Labour for any Time not exceeding one Month, and the Commissioners shall pay 20 *s.* to the Informer for every Offender so taken, as aforesaid; yet Persons so apprehended, desiring Time to clear themselves of the Accusation, shall only be committed to Prison till Satisfaction or Security be given not to be guilty of the like Offences again.

That after the said 24th of *June 1736*, Persons offering Tea, Brandy, &c. to Sale, with or without a Permit, may be stopped on Suspicion, and the Person stopping the same may prosecute in his own Name, and on Recovery shall be intitled to a third Part of the Produce on Sale; and the Commissioners shall advance one Shilling *per* Pound for Tea, and one Shilling *per* Gallon of Brandy so seized to the Prosecutor till Sale.

That after said 24 *June 1736*, all Watermen, Carmen, Porters, and other Persons whatsoever found with prohibited or run Goods, knowing the same to be prohibited or run, being lawfully convicted on the Oath of one or more credible Witnesses, or by Confession before one or more Justices of the Peace, where the Offence shall be committed, or the Goods found, shall forfeit treble the Value, Half to the Informer, and Half to the Poor, where, &c. to be levied by Distress and Sale of the Offender's Goods, by Warrant from the Justice or Justices before whom such Offender shall be convicted; and for Want of Distress the Offender to be committed to the House of Correction, there to be whipp'd and kept at hard Labour for any Time not exceeding three Months.

Vessels arriving from foreign Parts with six Pounds of Tea on Board, or Brandy, &c. in a Cask under sixty Gallons (except

except for the Use of the Seamen, not exceeding two Gallons a Man) hovering within a League of the Shore, all such Goods with the Package shall be forfeited.

After 29 Sept. 1736, Foreign Goods taken in or put out of any Vessel within four Leagues of the *English* Coasts, without Payment of Customs, (unless in Case of apparent Necessity) shall be forfeited, and the Master, &c. shall forfeit treble the Value; and the Vessel, if not above 100 Tuns, shall be forfeited; and Persons offering to bribe an Officer to Connivance shall forfeit 50 *l.* the Forfeitures one Half to the King, the other to the Informer, who shall prosecute in any of the Courts at *Westminster*; and Actions, &c. for Assault upon Officers, may be tried in any County of *England*.

All Goods found concealed after the Master's Report at the Custom-house shall be forfeited, and the Master shall forfeit treble the Value; and Persons forcibly obstructing or wounding Officers on Board, in the Execution of their Offices, shall, on Conviction, be transported, not exceeding seven Years, and upon returning before the Expiration of the Time, shall suffer Death as a Felon without Benefit of the Clergy.

Officers may go on board coasting Vessels, and search for prohibited and uncustomed Goods, and may continue on board during the Vessel's Stay in the Port; and Persons obstructing such Officers forfeit 100 *l.* and likewise 100 *l.* Penalty is laid on Alehouse-men, &c. knowingly harbouring any Person against whom Process hath issued for obstructing Officers, &c. but no Forfeiture herein, unless publick Notice shall have been first given, in two successive *Gazettes*, of such Person's Absconding, and a Writing fixed to the Door of the Church.

Sheriffs, Mayors, &c. on Request in Writing of a known Solicitor for the Customs or Excise, to grant special Warrants for apprehending Offenders, and the Persons granting such Warrants shall be saved harmless from all Escapes.

In Trials of Seizures, Judges are to proceed according to the Merits of the Cause, without inquiring into the Fact or Form of making the Seizure, and Officers and their Assistants may oppose Force to Force, and when carried before a Justice for wounding or killing any Person, in such Cases shall be admitted to Bail.

The said Act shall not indemnify any Person prosecuted by the *East-India* Company.

Any Person sued for any Thing done in Pursuance of the said Act, may plead the General Issue, and give the special Matter in Evidence, and if found for him, shall have treble Cost.

Provided, That nothing in the said Act shall extend to restrain his Majesty's Court of King's Bench, or any of the Judges thereof, or the Court of Justiciary in *Scotland*, from bailing any Person committed for Felony by Virtue of the

Smuglers.

said Act, in such Manner as they may by Law do in other Cases of Felony.

A Warrant to bring Offenders before a Justice upon the aforesaid Smugling Act of 9 Geo. 2.

Suffex, to **W** Hereas I have been informed upon Oath, That wit, since the 24th Day of June 1736, A. B. of, &c. C. D. of, &c. and E. F. of, &c. have been assembled together for the Purpose of clandestine Landing and Running of prohibited or uncustomed Goods, and were armed with Fire-Arms and other offensive Weapons, contrary to the Form of the Statute in that Case lately made and provided: These are therefore to require you to apprehend and bring the said A. B. C. D. and E. F. before me or some other Justice of the Peace for this County, to answer the Premises aforesaid. Given under my Hand and Seal, &c.

A Commitment of the Offenders upon the said Statute.

To the Constable, &c. and to the Keeper of the Gaol for the said County.

Suffex, to **W** Hereas it hath been duly proved before me, wit, That A. B. &c. have (as in the Warrant above): These are therefore to command you the said Constable to convey the said A. B. &c. to the common Gaol of the said County, and to deliver them to the Keeper thereof, together with this Warrant; hereby also requiring you the said Keeper to take the said A. B. &c. into your Custody, and them safely to keep (without Bail or Mainprise) until they shall be discharged by due Course of Law. Given, &c.

The other Warrants, Commitments, &c. upon this Act are easily formed from the above, &c. observing the Words in that Part of the Act for which they are made.

Snarers. See Dogs,

Soldiers.

Soldiers. See Confes.

Buying Arms of a Defenter, knowing him to be so, for Arms, Caps & Feits 5*l.* to be levied by Warrant of two Justices, be- and Clothes. ing convicted of this Offence at Sessions. 7 & 8 Will. c. 23. 13 & 14 Will. 1 Geo. c. 3.

Officer of a Regiment marching, shewing the King's Or- Carriages. der to a Justice of Peace, he shall issue out Orders to Consta- 3 Geo. c. 2. bles to provide Carriages, the Officer paying to the Constable, 4 Geo. c. 4. in Hand:

Per Mile	{	For a Waggon and five Horses,	{	1 Geo. c. 3.
		or for four Oxen and two Horses, or six Oxen —		00 00 00 4 Geo. c. 4.
Per Mile	{	For a Cart and four Horses,	{	00 00 09
		(and so proportionably) —		

Officer making a Carriage travel more than one Day, or not discharging him in due Time, or suffering Soldiers (other than the Sick or Wounded) or Women to ride — 05 00 00

Or forcing Constable to provide Saddle-Horses, or forcing Horses from the Owners, forfeit for each Offence —

The Proof must be upon Oath before two Justices, who are to certify it to the Pay-master General; who shall pay it, and deduct it out of the Officer's Pay. 4 & 5 W. & M.

No Waggon shall be obliged to carry above twenty Hundred + Geo. c. 4. Weight.

Constables neglecting or refusing to execute Justices Orders, 1 Geo. c. 3. or Warrant, or any other Person hindring the Execution there- 1 Geo. c. 34. of, shall forfeit not exceeding 40*s.* nor under 10*s.* to the Poor of the Parish, to be determined by two Justices of Peace, and levied by Distress and Sale, &c.

The Treasurer of the County-Stock shall pay to the Constables all reasonable Sums laid out for Carriage, out of the publick Stock, above what shall be paid by the Officers, according to the Justice's Direction, Regard being always had to the Season of the Year; and if the publick Stock be not sufficient, the Justices may raise Money, as for County Gaols or Bridges,

Any

Deserter.

- 1 Geo. c. 3.
1 Geo. c. 43.
6 Geo. c. 3.
13 Geo. c. 2.
1 Geo. 2. ff. 2.

c. 2.

c. 2.

c. 2.

c. 2.

c. 2.

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Any Constables, &c. may take up a Person suspected to be a Deserter, and bring him before a Justice; and if upon Examination he shall be found to be a listed Soldier, the Justice shall send him to the County Gaol, and give Account thereof to the Secretary at War.

Justice, &c. may, by Warrant directed to the Collector of the Land-Tax, order him to pay 20 s. to any Person taking a Deserter.

Harbouring or concealing him knowingly, or exchanging, or receiving any Arms from him, or Clothes, or Furniture belonging to the King, or changing the Colour of such Clothes, shall forfeit 5 l. to be levied by Distress, one Moiety to the Informer, the other to the Officer to whom the Distress belonged; no Officer shall break open any House to search for a Deserter without a Justice's Warrant, on Forfeiture of 200 l. per 1 Georgii. c. 34.

By the Act 1 Geo. c. 3. if any Person persuade or procure, or endeavour to persuade a Soldier to desert, he shall forfeit 40 l. which Penalty is by the Act 4 Geo. c. 4. made recoverable in any of the Courts at Westminster, &c.

No Volunteer shall be taken out of the Service by any Law-Process other than for a criminal Matter, unless for a real Debt, or other just Cause of Action, the Plaintiff or some other Person first making Oath before a Judge of the Court out of which the Process issued, that the Sum is really due, or that the Debt or Damages amounts to 10 l. at least, a Memorandum of which Oath shall be made on the Back of the Process. Any Person arrested contrary to this Act, the Judge may examine it on Oath, and discharge the Soldier, and may award Costs to be recovered, as the Plaintiff might have done.

The Plaintiff on Notice given of the Cause of Action, or left at the Place of the Soldier's Residence before listing, may proceed to Execution other than against his Body.

Deserting beyond Sea and coming into England or Ireland before he be tried by a Court Martial for such Offence, such Officer or Soldier shall be tried for the same, as if the said Offence had been committed within the Realm.

Departing.

If any Soldier depart after he hath taken the Press-Money, or hath received his Pay, there lies a Writ to the Sheriff, *ad capiend. conducos proficiscend. in obsequium nostrum*; and this my Lord Coke calls *Lex Terræ*.

A Captain (for Advantage) licensing a Soldier to depart, forfeits ten Times the Value of the Thing taken; to be divided between the Queen and Prosecutor, and to be recovered before Justices in Sessions. 4 & 5 Phil. & Mar. c. 3.

Felony.

Going beyond Sea to serve foreign Princes, not having before they go taken the Oath of Allegiance, is Felony. 3 Jac. c. 4.

If

If he is a Gentleman or Officer, and going to serve a foreign Prince, not being bound with two Sureties not to be reconciled to the Pope, or to consent to any Conspiracy against the King, 'tis Felony. 3 Jac. c. 4.

Taking Preb-Money, and departing without Licence, 'tis Felony. 7 H. 7. c. 1. 3 H. 8. c. 5. 5 Eliz. c. 5.

Coming from beyond Sea, and wandring idly without a Testimonial from a Justice of Peace (near the Place where he landed) expressing the Time and Place of their Landing and whither they are to pass, and a Time limited for passing; or if they exceed that Time, 'tis Felony. 39 Eliz. c. 17.

Forging or Counterfeiting such Testimonial, is Felony.

Destroying Game* without Leave of the Lord of the Manor under his Hand and Seal, and being convicted on Oath before a Justice of Peace, if an Officer, he forfeits 5*l.* if a common Soldier, then his Officer is to pay for him 20*s.* Both of these Sums are to be distributed to the Poor of the Parish. 1 Geo. c. 3. 'tis 20*s.* Forfeiture by a Soldier, 6 Geo. c. 3.

If such Officer after Conviction, and upon Demand, refuse or neglect to pay it within two Days, he forfeits his Commission.

Officer when he receives the Pay of a Regiment, Troop, or Company, must within four Days give publick Notice to Innkeepers, and before they distribute the Money to the Soldiers, must pay and discharge the Innkeepers, &c. Accounts, provided they have no more of a Commission-Officer.

of Horse, under the Degree of a Captain, for Diet, } 00 02 00
Small Beer, Hay and Straw *per Diem* than — } 00 01 00

For such Commission-Officer of Dragoons — 00 01 00

For a Commission-Officer of Foot — 00 01 00

And if he has a Horse, then for that Horse — 00 00 00

Light-Horseman, Diet, Small-Beer, Hay and } 00 01 00
Straw *per Diem* — } 00 01 00

Dragoon — 00 00 00

Foot-Soldier, Diet and Small-Beer *per Diem* — 00 00 00

Officer refusing to pay the same upon Account produced, and

Oath made by two Witnesses at next Sessions, the Justices may

certify to the Paymaster of the King's Forces the Sum due,

who shall pay the same out of the Arrears of the Offender,

or lose his Place; and if no Arrears are due, then he shall de-

duct it out of the next that shall be due, and the Officer shall

be cashiered. 4 & 5 W. & M.

And where Quarters are not paid as the Act directs, and

Horse and Foot are in their March, so that no present Sub-

sistence can be remitted, in such Case every Officer shall make

up his Accounts before he leaves his Quarters, and give a Cer-

tificate by him signed to the Party to whom the Money is due,

with the Name of the Regiment, that it may be transmitted

to the Paymaster, who is immediately to pay the same.

Absent.

Game.
* Poultry or
Fish, per 13 &
14 W.
1 G. c. 3.
3 G. c. 2.
1 G. c. 3. 'tis 20*s.*
Stat. 13 & 14
Will.
1 G. c. 3.
4 G. c. 4.

1 G. c. 3.
3 G. c. 2.

1 G. c. 3.

Absenting himself without lawful Cause, shall be committed for ten Days without Bail, or pay 4*l.* to the King. 4 & 5 *Phil. & Mar. c. 2.*

Must.

Any Person making or giving a false Certificate to excuse a Soldier to be absent at a Muster, forfeits 50*l.* and to be cashiered. 13 & 14 *Will. 1 G. c. 3. 4 Geo. c. 4.*

Officer making false Muster, and any Person signing a false Muster-Roll, or a Duplicate, shall be cashiered, and forfeits 100*l.*

Proof must be by two Witnesses upon Oath before a Court Martial; and the Forfeiture is to be paid out of the Arrears of his Pay to the Informer. 13 & 14 *Will. 1 Geo. c. 3.*

13 & 14 W.

1 Ann.

3 & 4 Ann.

1 G. c. 3.

Next Justice may commit to the House of Correction Persons falsely mustering, or offering so to be, there to remain for ten Days.

Lending a Horse to be mustered, forfeits the Horse, if his own; if not, then 20*l.* upon Oath of two Witnesses before the next Justice; the Forfeitures to be paid out of his Pay or Goods, by a Court Martial. 4 & 5 *W. & M. Per 13 & 14 Will.* Proof as before. 1 *Geo. c. 3.*

And if he hath no Goods, he shall be sent to the common Gaol without Bail for six Months, this Forfeiture to be paid to the Informer; and if he is a Soldier, shall be discharged, if he demand it. 1 *Geo. c. 3.*

Must. Master.

2 & 3 Ann.

Must give Notice to the Mayor, or chief Officer or Magistrate of the Place where the Soldiers to be mustered are quartered, and they are to be present at such Muster; Commissary neglecting forfeits 5*l.* and no Muster-Roll shall be allowed, unless signed by such Mayor or Magistrate. 13 & 14 *Will. 1 Geo. c. 3.*

But if such Mayor, &c. shall not attend or refuse to sign the Muster-Roll, then the Commissary may muster the Regiment, &c. without incurring any Penalty, and the Muster-Rolls shall be allowed, on Oath within 48 Hours before a Justice, &c. that such Notice was given. 1 *Geo. c. 3.*

The Commanding Officer; at the Time of the Muster, must sign and bring in a Certificate of

The Names of the Persons	{	Sick,	}	Since last Muster.
		Absent on Furlows,		
		Dead and deserted,		
		Days of Death, and Desertion,		

Such Certificate proving false, the Officer is to suffer such Penalties which are appointed for false Musters.

Conviction must be before a Court Martial, as aforesaid. 13 & 14 *Will.*

Officer

Officer mustering one who is a Servant to another Officer, or receiving Wages from him, or mustering any Person by a wrong Name, is to suffer like Penalties. 13 & 14 Will.

Every Person mustered and in Pay, who shall excite, cause Mutiny, or join in a Mutiny, shall suffer Death, or such other Punishment as a Court Martial shall inflict. 13 & 14 Will.

If he raise a Mutiny out of *England*, either on the Land or Sea. 2 & 3 Ann. 3 & 4 Ann.

Refusing to obey his Superior Officer.

Resisting any Officer in the Execution of his Office.

Striking his Superior Officer.

Drawing, or offering to draw or lift up any Weapon against him, * Felony. * Trial by a Middlesex Jury, or special Commission.

Detaining Pay of Soldiers above ten Days, shall give him treble as much: Justices in Sessions may determine this Offence, and commit till Payment of the Forfeiture. 4 & 5 Phil. & Mar. c. 3.

Every Paymaster and Agent who shall be liable to account Paymaster, with any Executors or Administrators of any Officer or Soldier, shall on Demand deliver a just Account to such Executors, &c. of such Sums as they shall have received for such Officer or Soldier, such Executor, &c. paying for the same. And every Paymaster, &c. offending herein shall forfeit the like Penalty, and to be recovered in like Manner, as is appointed by the Act for Colonels or Agents, not giving due Accounts of the Pay to the Officers and Soldiers. 1 G. c. 3.

Paymaster detaining Pay from an Officer or Soldier for a Month, or refusing to pay it when due, (*viz.*) *Georgii* 3.

		l. s. d.	
Of the two Regiments of Foot- Guards.	To a Corporal of Light-Horse,	per Week	00 17 06 Pay.
	To a Trumpeter and Trooper,		00 14 00 13 & 14 W.
	To a Dragoon,		00 08 02 1 G. c. 3.
	To a Serjeant,		00 07 00
	To a Corporal and Drummer,		00 05 00
	To a Foot-Soldier,		00 04 00

		l. s. d.	
In the Army.	To a Serjeant,	per Week	00 06 00
	To a Corporal and Drummer,		00 04 06
	To a Foot-Soldier,		00 03 00

And 6d. more to each Foot-Soldier at every two Months 13 & 14 W. End: Neglecting upon Proof to a Court Martial, forfeits 100 L. 2 & 3 Ann. to the Informer, and to be cashiered. 4 & 5 W. & M. and the Informer, if a Soldier, to be discharged. 1 Geo. c. 3.

Paymaster shall receive no Fees, nor deduct more than usual for Clothes, besides one Shilling per Pound to be disposed as the

the King shall think fit, and one Day's Pay in the Year to the Use of *Chelsea-College*.

Quartering.

1 G. c. 3.

4 G. c. 4.

6 G. c. 3.

None shall be quartered upon Persons without their Consent.

31 Car. 2. c. 1.

Constables, Tithing-men, &c. and no others, shall quarter Soldiers in Inns, Livery-stables, Ale-houses, Victualling-houses, and in Shops, selling Brandy, &c. (Distillers and private Houses excepted) but may not order more Billets than there are effective Soldiers; any Soldier billeted on private Houses, without the Owner's Consent, he may have his Remedy at Law; any Military Officer quartering Soldiers otherwise than allowed, shall be cashiered; Persons grieved may complain to the Justices, and be relieved.

Officers and Soldiers shall pay reasonable Prices, to be appointed by the Sessions; who shall set reasonable Rates for all Provisions in their March.

Officers taking Money for excusing Quartering Soldiers shall be cashiered and incapacitated.

No Foot-Soldiers shall be quartered but within ten Miles of the King's Residence, or in some Garrison where sufficient Barracks are not provided, or upon their Marches; and no Person shall be obliged to quarter them in their Marches more than six Days at a Time.

Justices in Sessions shall appoint what such Soldiers are to pay.

4 G. c. 4.

5 G. c. 5.

If any High Constable, &c. shall receive or agree for any Money or Reward to excuse any Person from quartering Soldiers, or if any Victualler shall refuse to receive them, and be thereof convicted before one or more Justices, &c. by Confession or Oath, such Constable or other Person shall forfeit any Sum not exceeding 5 *l.* nor under 40 *s.* to be levied by Distress and Sale of his Goods by a Warrant of such Justice, directed to any other Constable of the County, to any of the Overseers where the Offender shall dwell, to be paid to them for the Use of the Poor.

Any one or more Justices may command the High Constable, &c. to give an Account in Writing of the Number of Officers and Soldiers billeted, with the Street and Place, &c.

11 & 14 W.

3 G. c. 3.

An Officer quartering Wives, Children or Servants, without the Owner's Consent; if a Military Officer, he shall be cashiered, upon Proof made to the Judge-Advocate; if a Civil Officer, he shall forfeit 20 *s.* to the Party grieved, upon Proof made to the next Justice of Peace, to be levied by Distress and Sale. 4 & 5 W. & M. 13 & 14 Will.

Money due to Inn-keepers for Quarters, shall be paid by the Paymaster, upon a Certificate from the Justices, out of the full Subsistence-Money. 6 & 7 W. c. 8.

Officer, when he receives the Pay of a Regiment, Troop 4 G. c. 4. or Company, must within four Days give publick Notice to Inn-keepers, &c. and to appoint them to come to their Quarters, and before they distribute any Money to the Soldiers, must pay their Quarters.

Not giving such Notice, or not paying upon producing the Account by the Inn-keeper, &c. shall be cashiered. 13 &

14 W.

Conviction must be at Quarter-Sessions, upon Oath of two Witnesses, who must certify to the Paymaster what is due; and the Paymaster not paying, forfeits his Place.

Officers or Soldiers who served William III. and who were Trades. disbanded at the End of the War, may exercise Trades tho' 10 & 11 W. they did not serve an Apprenticeship, and may set up such Trades as they are apt and able to occupy, in any Town or Place in the County where born. c. 11. 12 A. c. 13.

And if indicted, then producing a Certificate under the Hand and Seal of some Field-Officer, or Commission-Officer of the Regiment where he served, or from some General of the Army, and proved by the Oath of one Witness to be true, or by two Witnesses, of his Service to the King, such Person may plead the General Issue; and if he have a Verdict, or the Plaintiff be nonsuited, he shall pay treble Costs.

Producing a false Certificate, shall be committed for three Months, and lose the Benefit of the Act 10 & 11 W. 3. c. 11.

If a Soldier come from beyond the Sea to the Place of his Work. Birth, and cannot get Work, two Justices shall take order to set him to Work, or for Want thereof shall tax the Hundred for his Relief. 6 & 7 W.

By the Statute 1 Georgii, c. 11. If the King shall find it necessary to draw out the Militia into Service, then by signifying it to the Lieutenants, &c. they shall oblige all Persons, chargeable to the Militia, to provide for Horse-Men a broad Sword, a Case of Pistols twelve Inches long in the Barrel, a Carabine with Belt and Bucket, a great Saddle with Burs and Straps, a Bir and Bridle with Pectoral and Crupper: And for every Foot-Soldier a Musket five Foot long in the Barrel, the Gauge of the Bore for Bullets of twelve to the Pound, with a Bayonet to fix in the Muzzle, a Cartouch-box and a Sword, by the same Ways as they might have provided Arms by Virtue of any former Act.

The Collectors of the Trophy-Money must account for it at the General Quarter-Sessions, within twelve Months after the Receipt thereof, and pay the Balance to the Treasurer, appointed to receive the same, within one Month, on Pain of forfeiting treble the Sum unaccounted for, or unpaid; one Moiety to the Use of the County, as the Justices shall appoint, and the other Moiety to him who will sue for it.

An

Trained Bands: *An ABRIDGMENT of the Militia Acts 13 & 14 Car. 2. c. 6. and 15 Car. 2. c. 4. Alphabetically.*

Ability of the Person.	{	The Lieutenants, or their Deputies, may examine on Oath the Ability of the Persons to be charged, but not themselves.
Appearing.		If a Soldier neglects to appear, two Deputies may commit him for five Days, or fine him; if a Horse-man, 20 s. if a Foot-man, 10 s. But if it is the Person himself who is charged, then three Deputies may fine him 5 s. to be levied by Distress and Sale, &c.
Carts.	{	Deputy-Lieutenants, or their Officers, may charge Carts for carrying Powder, and other Materials, at 6 d. per Mile; and for a Horse employed out of the Cart, they must give 1 d. per Mile.
City and County.		Officers and Soldiers of such a Place shall not be compelled to appear out of their respective Liberties to exercise.
Constable.	{	Shall be aiding and assisting in Execution of the Statute 13 Car. 2.
Covenants.		If the Party charged neglects or refuses to provide the Foot-Soldiers, the Lieutenant or his Deputies may appoint Constables to provide them.
Foot, and who shall be charged thereunto.	{	Between Landlord and Tenant, shall not be avoided by the Act.
		He who is charged to find a Foot-Soldier, must have in Possession per Ann.
		Or Personal Estate, other than Stock on Ground; (and so proportionably.)
		He shall have per Diem 1 s. or else his Master shall forfeit to him 2 s. to be demanded within six Weeks after Default, or before next Muster.
		None who hath an Estate of 100 l. per Ann. or Personal Estate of 2400 l. shall be charged to the Foot; but he who hath 100 l. per

per Ann. or under 200 *l.* *per Ann.* or is worth 1200 *l.* in Personal Estate, and under 2400 *l.* may be charged either with Foot or Horse.

Horse, and who shall be chargeable.

Lieutenants or three Deputies may charge any; if with Horse and Arms, the Person must have in Possession

l. s. d.

500 00 00

per Ann. Or in Goods or Money, besides the Furniture of his House (so proportionably.)

6000 00 00

None shall contribute to Finding a Horse who hath not in Possession a real Estate

100 00 00

per Ann. of And Personal Estate in Possession worth

1200 00 00

Horse.

Not sending out Horse, &c. not paying the Money towards the Provision of Man and Horse, Lieutenant or three Deputies may fine him, not exceeding 20 *l.* to be levied by Warrant under their Hands and Seals, and employed for the same Uses.

Horseman shall have to maintain himself and Horse *per Diem*, 2 *s.* 6 *d.*

Must bring Powder and Bullets of each a Quarter of a Pound.

His Arms shall be, Back, Breast and Pot, the two last Pistol-proof; a Sword, and a Case of Pistols 14 Inches in the Barrel; a great Saddle with Burs and Straps; a Bit, Bridle, Pectoral and Crupper.

Imprisonment.

Lieutenant or his Deputy may commit Mutineers, and those who do not their Duties at Musters; the Commitment not exceeding 20 Days, and fine them not exceeding 5 *s.*

Imbezilling.

Two or more Deputies may commit him who imbezilleth Horses, Furniture or Arms, till he make Satisfaction.

Use of *Wight*.

No Alteration made as to the Militia there.

Commission of Lieutenantcy may be issued out by the King, and the Lieutenants may call Persons together, and arm and form them into Companies, and conduct them to Places to suppress Rebellions, or resist Invasions, as the King shall direct.

Lieutenants.

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O

They

Soldiers.

- Lieutenants.** < They may give Commissions to Colonels, Majors and Captains, and other Commission-Officers, and present the Names of Deputies to the King; who approving them, the Lieutenant shall give a Deputation.
- They may hear Complaints, examine Witnesses on Oath, and give Redress.
- London Militia.** < Lieutenants shall continue to list and levy the London Militia and Auxiliaries, as formerly.
- Upon Invasions or Rebellions, the Person charged shall provide a Month's Pay, &c. which shall be repaid out of the Publick Revenue, and the Officers shall likewise be paid out of that Revenue for the Time they were in actual Service, and no Person shall be obliged to provide another Month's Pay until the first is discharged.
- Month's Pay.** < Shall be but once a Year, and not to stay above four Days without special Direction from the King or his Council.
- Muster and Muster Master.** < He must live in the County, and once a Year every Horse-man is to pay him 1 s. and every Foot-man 6 d. by the Direction of three Deputy-Lieutenants; and in Default of Payment, it may be levied on the Goods of the Person charged, unless Default be found in the Soldier.
- Musketeer.** < Shall bring Powder and Bullet, Half a Pound of each, and a Musket three Feet in the Barrel, the Bore to bear a Bullet of twelve to the Pound; but if fourteen, it shall be allowed; a Collar of Bandaleers, and a Sword; if with Match-Lock, he must have three Yards of Match.
- If the Person doth not live in the County where he is charged, three Deputies shall give Notice to his Servant or chief Tenant, who are to convey it to the Landlord, and to bring his Answer; then if he neglect to provide a Soldier, his Tenant shall do it; and if he refuse, then two Deputies may grant a Warrant to levy the Penalties; which see before in *Appearing*.
- Notice to the Person.** < Peers must take the Oath of Allegiance and Supremacy before six Lords of the Privy Council, or before others authorized by the King; one Justice of Peace may administer
- Oaths.** <

Oaths.

administer it to a Lieutenant, not being a Peer; Lieutenants may administer it to Deputies, not being Peers; and they to their Officers and Soldiers.

Officers of Foot.

Shall find no Soldiers or Arms in respect of their Estates.

Pike-men.

Must bring Pikes made with Ash, not under 15 Foot long; they must likewise have Back, Breast, Head-piece and Sword.

Purbeck.

The Militia thereof shall remain separate from the County of Dorset.

Peers how to be charged.

By a Commission from the King, under the Great Seal, directed to twelve Peers, of whom five shall assesse the Peer, according to the Proportion in the Statute, (except only the monthly Taxes) and they shall put the Authorities in the Act in Execution (excepting Imprisonment) the Charge and Penalties shall be certified to the Lieutenants; and then, if any Default shall be made, &c. three of them may cause Distress to be taken and sold, if no Satisfaction be given within a Week.

Search.

Two Deputies by Warrant may employ Persons (of which a commissioned and a Parish Officer shall be two) to search for and seize Arms of those who they shall think are dangerous: This Search must be after Sun-rising, except in Cities, Suburbs, Corporations and Market-Towns, and within the Weekly Bills.

None shall be compelled to serve in Person. Those who are provided by others, must be approved by the Captain, and may be altered upon an Appeal to the Lieutenant or two Deputies; Persons so found and approved, must act under the same Penalties as in the Act; which see in *Appearing*.

Serving in Person.

The Persons thus approved, must give in their Names and Places of Abode, at the next Muster to two Deputies, or to some whom they shall appoint, that they may be listed; and if they afterwards desert, they shall forfeit 20*l*. Neither shall they be discharged without Leave of two Deputy-Lieutenants or the Captain, on the like Penalty, to be levied by Distress; and if no Distress, then to be committed, not exceeding three Months.

Soldiers.

Trained Sol-
diers.

This must not be above four Times in a Year, without Special Direction from the King and Council, and must not be continued to exercise above two Days at a Time.

Tenants.

Shall deduct the Money out of the next Rent, unless the Landlord, within two Months after such Levying, make it appear, that the Fault was in the Tenant.

Tinners in
Cornwall.

Lord-Warden of the Stannaries, and such as he shall authorize, shall assess and muster the Tinners.

Tower.

Constable and Lieutenant of the Tower may continue to levy the Trained-Bands, as formerly.

See also divers Statutes touching the Army and Militia, viz. 8 A. c. 10. 9 A. c. 9. 10 A. c. 10. 12 A. Sess. 1. cap. 4. and Sess. 2. c. 4. and 10. which being the same in general with the foregoing, need not here be recited.

And note likewise the two last Statutes touching Soldiers, &c. viz. 13 Geo. 1. c. 2. and 1 Geo. 2. c. 7. too long to be here abstracted.

See the 7 Geo. 2. c. 23. for raising the Militia of that Part of Great Britain called England, altho' the Month's Pay formerly advanced be not repaid, and for making the Militia within the same more useful; also to punish Mutiny and Desertion, one of which passes every Sessions.

10 A. c. 25.

Upon the Landing of King William in the West, in the Year 1688. several Sums of Money were raised by the Lieutenancy in Dorsetshire; some Parts whereof are still unaccounted for by the Persons who received it; they are now ordered to account for it to the Sessions, who may call such Persons before them, and order them to pay the Money to the Treasurer of the County-Stock, who shall apply it to the publick Service of the County, as the Sessions shall direct: The Person refusing to account, or neglecting to pay the Money to the Treasurer, being by the Sessions required so to do, may be committed to Gaol without Bail, 'till he do; or until he give Security to the Justices so to do.

The Lieutenancy shall not issue any Warrant to levy Trophy-Money 'till the major Part of the Justices in Sessions shall have examined, stated and allowed the Accounts of Trophy-Money last raised for the Year preceding, and certified such their Examination of the said Accounts, under the Hands and Seals of three or more of them, to the respective Lieutenants or their Deputies.

A Sum-

A Summons for a Muster.

To the Constable and Headborough of, &c.

Suffex, to **B**Y Command from the Rt. Hon. C. Earl of D. wit, Lord-Lieutenant of the said County, I require you to summon all the Persons written in a List, and hereunto annexed, to appear compleatly armed at L. in the said County, upon Wednesday the 17th of March Instant, at eleven o'Clock in the Forenoon, and each of them is to bring Pay for two Days, and the Salary for the Muster-Master; every Musqueteer is to bring Half a Pound of Powder, and as much of Bullets, and three Yards of Match; and you are likewise required to be then and there present, to give an Account what you have done in the Premises. Given under our Hands and Seals this seventh Day of March 1703.

A Summons for a Foot Company.

To the Constable of the Hundred of, &c.

Suffex, to **W**Hereas the Persons, whose Names are contained in a List hereunto annexed, are charged to find Foot-Arms, according to the Statutes in that Case made and provided: These are therefore to require you to give Notice to the said Persons, That they provide and appear with the said Arms, and an able Man to bear them at L. in the said County, upon Wednesday the 17th Day of March ensuing, by Ten o'Clock in the Forenoon. And hereof fail not. Given under our Hands, &c.

The Summons under-written the Constable must give to the Person who is to provide a Horse.

To Mr. R. B.

Suffex, to **B**Y Virtue of a Warrant of J. A. Esq; to me directed, This is to summon you to appear at, &c. on Thursday, &c. between nine and ten o'Clock in the Morning, with a Horse well fitted, and that you bring a Back, Breast and

and Pot with you, pursuant to the Statutes in that Case made and provided; and you are likewise to bring with you Powder and Bullet, a Quarter of a Pound of each, and the Muster-Master's Salary.

Dated 18 Martii,
1703.

J. H. Constable.

An Indictment against a Soldier for Deserting, &c.

Middlesex, **T**HE Jurors, &c. That R. R. late of L. in to wit, the County aforesaid, Yeoman, on the 17th Day of March in the ninth Year of the Reign, &c. was lawfully listed and retained in the Service of our said Lord the King by the Payment of two Shillings, according to the Form of the Statute in such Case made and provided, to serve our said Lord the King upon Land against the Enemies of our said Lord the King, under the Command of one W. R. his Colonel, and that the said R. R. on the thirtieth Day of March in the same ninth Year above-mentioned at H. aforesaid in the said County, did wilfully and feloniously desert from his Colonel aforesaid, without his Leave, and withdraw himself from the Service of our said Lord the King, to the bad Example of other Offenders in such Case, and contrary to the Form of the Statute in such Case made and provided, and also against the Peace of our said Lord the King, his Crown and Dignity.

A Warrant against a Constable for taking Money to excuse the Quartering of Soldiers, contrary to the Stat. 13 Geo. 1. c. 2. See the Stat.

WHereas A. B. Constable of, &c. hath this Day been convicted before me W. B. Esq; one of his Majesty's Justices, &c. by the Oath of E. F. That he the said A. B. on, &c. last, did receive from E. F. Victualler, the Sum of 10s. to excuse him the said E. F. from Quartering of two Soldiers belonging to, &c. Company, in the Regiment of, &c. contrary to the Statute in that Case made. These are therefore to command you to levy by Distress and Sale of the Goods of the said A. B. the Sum of 5 l. which he hath forfeited by the Offence aforesaid; and to pay the same to the Church-wardens and Overseers

versers of the Poor of, &c. for the Use of the Poor there, and for so doing this shall be your sufficient Warrant. Given, &c.

A Certificate of the Sessions to the Judge Advocate, of an Officer's arbitrary Quartering Soldiers, in order to his being cashiered, by Virtue of the Stat.

1 Geo. 2. c. 7.

To the Right Honourable, &c.

THIS is to certify, That A. B. Esq; Captain of a Company of Foot Soldiers in the Lord H.'s Regiment on the Day, &c. last past, upon the said Regiment's being ordered into this Country, did at, &c. in the County aforesaid, arbitrarily and unlawfully Billet and Quarter six of the private Men belonging to his said Company, viz. C. D. E. F. &c. upon L. M. and N. O. Victuallers, over, above and besides the Number of Soldiers quartered and billeted on the said L. M. and N. O. by S. T. Esq; Mayor of the said Town of, &c. according to the Statute: And the said Captain did then threaten the said Mayor with Force and Violence, if he interposed in what he had so done, and the said L. M. and N. O. with Death or bodily Harm, if they refused to receive the said Soldiers; of which the said Captain A. B. hath been legally convicted by the Oaths of, &c. before T. S. and J. G. Esqs; two of his Majesty's Justices of the Peace for this County; and the said Conviction of the said A. B. so had upon due Examination of the same, and the several Circumstances thereof, we in our Court of Quarter-Sessions do hereby affirm and confirm. Given, &c.

Soldiers not to quarter in any Town during any Election of a Member or Members to serve in Parliament; see Title Parliament.

By 9 Geo. 2. c. 30. it is enacted, That if any Subject of the Crown of Great Britain, after the 24th of June 1736, shall within the Kingdom of Great Britain or Ireland, or after the 29th of September next, without the said Kingdom, enlist or enter himself; or if any Person shall procure any Subject of his Majesty, or his Successors, to enlist or enter himself, or hire or retain any Person, being a Subject of his Majesty, or his Successors, with an Intent to cause such Person to enlist or enter himself, or procure any Person being a Subject, &c. to go beyond the Seas, or embark with an Intent to be enlisted to serve any foreign Prince, State or Potentate, as a Soldier, without Leave of his Majesty or his

Soldiers. Squibs.

Successors first obtained for such enlisting, every Person so offending (being lawfully convicted) shall be adjudged guilty of Felony, and suffer Death as a Felon without Benefit of Clergy; and where any Offence shall be committed out of the Realm against this Act, the same may be alledged to be committed, and may be laid, enquired of, and tried in any County of *England*.

In Case any Person so enlisted or inveigled to go beyond the Seas, in Order to be enlisted as a Non-commissioned Officer or private Soldier, in any foreign Service, without his Majesty's License first obtained, shall, in fourteen Days after such Enlisting or Agreement to go beyond the Seas, voluntarily discover, upon Oath before any Justice of Peace or other Civil Magistrate, the Person or Persons by whom he was so enlisted or inveigled, so as he or they may be apprehended and convicted of the said Offence, the Person so discovering shall be indemnified from the Penalty inflicted by this Act, and all other Penalties whatsoever on Account of the said Offence.

Persons concealing Deserters, or receiving from any Soldier or Defenter, the Arms, Clothes, Caps, or other Furniture belonging to the King, or causing the Colour of their Clothes to be changed, forfeits 5 *l.* to be levied by Distress, *§c.* 9 *Geo.* 2. *c.* 2. *s.* 40.

Buying Arms, Caps and Clothes, see 7, 8 *W.* 3. *c.* 23. before-mentioned; see also the Mutiny Act abstracted in the *Appendix*.

Squibs.

THE People having got a foolish Custom of throwing Squibs during the Time of any Publick Solemnity, and some having lost their Eyes thereby, and other Damages being done; a Law was made, prohibiting the *Making, Selling, or Offering or Exposing to Sale*, any Squibs, *§c.* or Fireworks, or any Cases, Moulds, or Implements for making Squibs, *§c.* and prohibiting Persons to suffer any Squibs, *§c.* to be cast out of their Houses, or out of or from any Part thereof, into any publick Street; and likewise, that no Person shall *throw or fire* any Squib, *§c.* in or into any such Street or House.

The Offence is declared to be a common Nuisance, and the Maker of the Squibs or Moulds, or Seller, *§c.* is to forfeit 5 *l.*

But he must be first convicted thereof before one Justice, either by the Confession of the Party, or Oath of two Witnesses.

He

Squibs. Stocks.

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He that permits Squibs to be thrown out of his House, forfeits 20 s. for every Offence, but is to be convicted as aforesaid.

These Forfeitures are to be levied by Warrant from the Justice before whom the Party was convicted, by Distress and Sale of Goods, one Moiety to the Poor of the Parish where the Offence was committed, the other to him who prosecutes to Conviction.

He that throws or assists in throwing or firing Squibs, &c. into any publick Street, forfeits 20 s. to the Uses aforesaid; the Conviction is to be as above-mentioned; and if he doth not pay it immediately upon the Conviction to the Justice of Peace, &c. he may by Warrant commit the Offender to the House of Correction, there to be kept to work, without Bail for any Time not exceeding a Month, unless he shall sooner pay the Forfeiture to the said Justice.

But Commissioners of the Ordnance, or any other Person authorized by them, may order Fire-works to be made and fired, &c. and so may the Artillery-Company in London, and the Militia in England, in the Exercise and Practice of Arms only.

If any Person is sued for putting the Act in Execution, and the Plaintiff is cast, the Defendant shall recover treble Costs.

Note; This Act is perpetual.

Stocks.

Constables may only confine Delinquents in Stocks, they cannot commit to Prison; and the Persons following may be put in the Stocks.

- | | |
|----------------------------|---|
| Affrayers. | —Striking a Constable. |
| Artificers. | { Two Days and a Night, refusing to Work
at Harvest. |
| Clothiers. | { Imbezilling Goods, second Offence. |
| Workmen. | { |
| Drunkards. | —Six Hours, if not able to pay 5 s. |
| Felony. | —Suspected thereof. |
| Labourers. | { Two Days and a Night, refusing Work in
Harvest. |
| Rescuing out
of Stocks. | { For Suspicion of Felony. |
| Silk-Throw-
er. | { Delivering Silk to one who imbezills it, if
unable to make Satisfaction. |
| Sunday. | —Playing at any Sports, if he pay not 3 s. 4 d. |

Surety

Stocks. Stocks in Companies, &c.

Surety of Peace. } He who is to give it, making Resistance.
 Suspected Persons. } Watchman may put in the Stocks.
 Swearing. — Stocks for two Hours, if he doth not pay 2s.
 Tipling. } Stocks for four Hours, if not able to pay the Penalty.
 Lastly, Escaping out of the Stocks is a Breach of Prison.

Stocks in Companies, &c.

Forging a Letter of Attorney to sell Stock, or personating Proprietors, is Felony.

BY Stat. 8 Geo. 1. c. 22. If any Person shall forge or counterfeit, or procure to be forged or counterfeited, any Letter of Attorney, or other Authority to transfer any Stock established by Parliament; or receive any Annuity or Dividend; or shall demand, or endeavour to obtain any Stock transferred, or Annuities, or Dividends to be received by Virtue of such forged Letter of Attorney, &c. or shall personate any real Proprietor, and thereby transfer, or endeavour to transfer the Stock, or to receive the Money for the same, and thereof convicted; he shall suffer Death as a Felon.

A Warrant of Commitment of such an Offender.

8 Geo. 1.

WHereas Information hath been given before me, on Oath, by A. B. of, &c. That C. D. of, &c. Did on, &c. last at, &c. personate E. F. a real Proprietor of 100l. capital South-Sea Stock, and endeavour to transfer and receive the Money for the same, by contracting with, &c. and going to the South-Sea House for the Purpose aforesaid: For which, by a late Act of Parliament, he ought to suffer Death as a Felon, without Benefit of Clergy. These are therefore to Command you to convey the said C. D. to the common Gaol of, &c. and to deliver him to the Keeper thereof. Hereby also requiring you the said Keeper, to receive the said C. D. into your Gaol, and him there safely to keep, until he shall be discharged by due Course of Law. Given, &c.

See the Act 7 Geo. 2. to prevent the infamous Practice of Stock-jobbing.

Striking in Westminster-Hall. See Sessions.
Suspicion,

Suspicion.

C*ommunis vox & fama* (common Voice and Fame), that such a Person did the Offence, is sufficient Cause of Suspicion; but then the Fact must be actually done; otherwise not.

In many Cases evident Proofs are not to be had, and therefore probable Presumptions are good Causes of Suspicion, and sufficient for a Justice to commit the Person suspected.

Presumptions are thus divided by my Lord Coke.

1. *Violenta* (violent), which he tells us is *Plena probatio* (full Proof).
2. *Probabilis* (probable), which moveth a little.
3. *Levis* (light), which is of no Force.

Some Presumptions of the first Sort are so violent, that no Proof can be admitted to contradict them; as if a Man is taken with a bloody Knife upon a murdered Person, or flying from the dead Man, though no Body saw the Stroke actually given, yet there needs no farther Proof.

When a Felony is committed, any Man may arrest suspicious Persons, and carry them before a Justice of Peace, who may commit them, or take a Recognizance to appear at the Assizes or Sessions.

Swans.

Taking away or destroying their Eggs, the Offender being convicted, must be committed for a Year and a Day, and forfeits 10*l*.

To steal Swans, if kept in a Moat or private River, Felony; like of young Cygnets. Co. 7. 27.

Swearing.

Swearing.

BY the Statute of 21 *Jac. c. 30.* the Punishment of one prophanely Swearing or Cursing, was 1 *s.* to the Use of the Poor.

The Prosecution was to be within twenty Days after the Offence.

The Conviction by the Oath of two Witnesses before one Justice; and this Penalty was to be levied by Warrant and Distress, &c. and if that was not to be had, then the Offender, being above twelve Years old, was to be put into the Stocks for three Hours; and if under that Age, then he was to be whipp'd by the Constable, who was to have a Warrant from a Justice for that Purpose; or by the Parent or Master, in the Presence of the Constable, if the Penalty was not paid.

But some Alterations was made of this Law by that of 6 & 7 *W.* for by this Law the Forfeiture of one Shilling is confined to Day-Labourers, common Soldiers and Seamen; but every other Person is to pay 2 *s.* for each Oath or Curse.

And for the second Offence; double the Forfeiture; and for the third Offence, three Times as much as the First; and in Default of Distress, if the Offender be above 16 Years of Age, he shall be set in the Stocks for one Hour for a single Offence, and for more than one, (if convicted at the same Time) then two Hours.

If under sixteen and do not pay the Penalty, he shall be whipp'd by the Constable, by a Warrant from the Justice, or by the Parent, Guardian or Master, in Presence of the Constable.

The Prosecution must be within ten Days after the Offence.

And the Conviction before one Justice by the Oath of one Witness.

The Justice who omits his Duty forfeits 5 *l.* a Moiety to the Informer, &c.

This Act is to be read by Parsons in the Church the next Sunday after every Quarter-day yearly, or to forfeit 20 *s.*

Justices must keep a Book wherein they must register those Convictions, and certify them to the Quarter-Sessions.

A Warrant to levy the Money for prophane Swearing.

To the Constable of, &c.

Suffex, to **W** Hereas, it was this present Day duly proved 6 & 7 W. wit, before me, That J. S. of, &c. did, on Friday the 19th Day of this instant March, being then above sixteen Years of Age, prophane offend, by swearing four Oaths in the Parish of H. in the said County, by Reason whereof he hath forfeited to the Use of the Poor of the said Parish, two Shillings for every Time he did so offend: These are therefore to require you forthwith to levy the said Forfeiture, being in the whole 8 s. upon the Goods and Chattels of the said J. S. by Distress and Sale thereof; and that you pay the same, when delivered, to the Church-wardens or Overseers of the Poor of the said Parish of H. where the aforesaid Offence was committed, for the Use of the Poor of the said Parish: And if no Distress can be taken as aforesaid, and in Case the said J. S. shall not pay the said Forfeiture, or give Security for the same, that then you do set him in the Stocks, there to remain by the Space of two Hours. Given, &c.

One Justice.
One Witness.
Ten Days.

Taxation.

UNDER this Head, these Rules are to be observed:

1. It is not the Quantity, but the yearly Value of Land that must be taxed.
2. If a Man useth Lands in several Parishes, he shall be charged in every Parish proportionably to the yearly Value of the Land in each Parish.
3. The Farmer and not the Landlord, must be charged, neither ought he to be rated for the Rent reserved.

A Man may be rated as well for Goods as Lands, but not for both.

The Charges must be on the Person, and in the Place where the Goods are at the Time of the Assessment.

Taylors.

Taylors.

7 Geo. c. 13.

ALL Agreements made, or to be made, by or between any Persons exercising the Art of a Taylor, or Journeyman Taylor *within the Bills of Mortality*, for advancing their Wages, or for lessening their usual Hours of Work, are illegal and void; and every Person so offending, and being convicted thereof by the Oath of one or more Witnesses before two Justices, upon any Information exhibited against him, and Prosecution within three Months after the Offence, such Offender shall by the Order of the said Justices be committed to the House of Correction, there to be kept at hard Labour not exceeding two Months, or to the common Gaol as they shall see Cause, there to remain without Bail, for any Time not exceeding two Months.

The Hours of Work of Persons employed as Taylors, shall be from Six in the Morning till Eight at Night, excepting an Hour for Breakfast, and an Hour for Dinner; and from the 25th of *March* to the 24th of *June*, his Wages shall not be exceeding two Shillings *per Diem*, and for the Rest of the Year not exceeding 1 s. 6 d. *per Diem*.

Two Justices upon Complaint made to them for Non-payment of the said Wages, may summon the Offender, or issue their Warrant to levy the same by Distress, and for Want of Distress, may commit him without Bail until he hath made Satisfaction.

The Sessions within the Limits aforesaid, may alter the Wages and Hours of Work.

Any Person retained as a Servant to a Taylor within the Limits, and departing before the End of his Time, or before his Work is done, or being not retained, shall refuse to be employed (after Request made by any Taylor for the Wages and Hours limited) unless for some reasonable Excuse to be allowed by two Justices of Peace, he shall, being lawfully convicted, &c. be sent to the House of Correction, there to be kept to hard Labour for any Time not exceeding two Months.

Any Taylor giving greater Wages, and being convicted thereof upon a Prosecution within three Months after the Offence, shall forfeit 5 l. one Moiety to the Informer, the other to the Poor, and he who takes more Wages, shall be sent to the House of Correction, and kept to hard Labour not exceeding two Months.

There lies an Appeal to the Sessions giving six Days Notice.

A Com-

A Commitment of a Journeyman Taylor, for refusing to work for the Wages allowed by the foregoing Statute.

WHereas A. B. of the Parish of St. Martin in the Fields, within the Liberty of the City of Westminster, and County of Middlesex, Taylor, hath this Day made Oath before us T. B. and F. E. Esqs; two of his Majesty's Justices of the Peace for the said County of Middlesex, That H. M. a Journeyman Taylor, now, or late, residing within the said Parish of St. Martin, did, on Thursday the third Day of this instant April, refuse to work with the said A. B. for the Wages of 2s. a Day, on the same being offered to him by the said A. B. contrary to the Statute in that Case lately made. These are therefore to Command you to apprehend the said H. M. and convey him to the House of Correction, and to deliver him into the Hands of the Keeper thereof. Hereby also requiring you the said Keeper, to take the said H. M. into your Custody, and cause him to be kept to hard Labour for the Space of two Months. Given, &c.

See Buttons.

Thames.

THE Justices of Peace in Berks, Bucks, Gloucester, Oxford and Wilshire, shall be Commissioners in their respective Counties for putting in Execution the Act of 6 & 7 W. c. 6.

They or five of them may make Orders at their Quarter-Sessions, to settle the Rates and Prices, which the Owners of Barges, Boats and Vessels, must take.

And which the Tenants of Locks, Weirs, Bucks, Winches, Turnpikes, Dams, or other Engines ought to take.

The Rates for Carriage in such Boats must be assessed in their Quarter Sessions after Easter yearly: They must give Notice thereof in Writing to every Mayor or Head-Officer in every Market-Town, &c.

Owner of a Barge, &c. taking above the said Rates for Water-Carriage, or any Person breaking the Rules or Orders made by the Justices, forfeits for every Offence to the Party grieved 5 l.

Thames. Threatning. Tiles.

And must pay double Costs of Suit: This Forfeiture is to be recovered in any Court of Record at *Westminster*.

Such Rules and Orders (except for Water-Carriage) must be written in Parchment, and signed by five Commissioners, and then are to continue in Force for seven Years; and from thence until some new Rules are made.

But if any Person is aggrieved by any such Rules, upon Complaint to the Judge of Assize within one Year, he may confirm, vacate, or alter the same.

Barge-Master shall be answerable for Damages done by his Barge or Men.

Theftboot. See *Misprision of Felony*.

Threatning.

TO hurt another in his Body, by Beating, Wounding, &c. the Party grieved may desire Surety of the Peace. It has been doubted, whether such Surety ought to be where a Person threatens to burn a House or Goods; but I can see no Reason for this Doubt.

Tiles.

17 Ed. 4. c. 4. **E**Arth for Tiles shall be cast up before the first of *November*, and must be stirred and turned before the first of *February*, and not made into Tile before the first of *March*, or lose double the Value to the Buyer.

A plain Tile offered to Sale, is to be ten Inches and one Half long, and six Inches and a Quarter in Breadth, and three Quarters of an Inch thick.

Roof-Tile must be thirteen Inches in Length, three Quarters of an Inch thick, and of convenient Deepness.

Gutter and Corner Tile must be ten Inches and a Half long, and of convenient Thickness, Breadth and Deepness.

Tile otherwise made, forfeits double the Value to the Buyer, to be recovered by Action of Debt, &c.

But the Defaults shall be heard and determined by the Justices, and the Offenders fined after the Rate of 5 s. per Thousand of plain Tile, 6 s. 8 d. per Hundred for Roof-Tile, and 2 s. per Hundred for Corner or Gutter Tile.

Justices shall appoint Searchers for Tile, who shall execute the Office, or forfeit to the King 10 s.

See Title *Bricks*, &c. and the Statute 12 Geo. 1. c. 33. which enacts, That all Earth and Clay for making Bricks, &c. shall be dug and turned between 1 Nov. and 1 Feb. and not made into Bricks till after 1 March, and no Bricks made but between 1 March and 29 Sept. All Bricks to be burnt in Kilns or distinct Clamps and Places: Bricks when burnt not to be less than nine Inches long, two Inches and Half thick, and four and Quarter wide. And all Pantiles for Sale when burnt, not less than thirteen Inches and Half long, nine Inches and Half wide, and Half an Inch thick; and this on Forfeiture of 20 s. a Thousand of Bricks, and 10 s. a Thousand of Pantiles otherwise made.

And the Master and Warden, &c. of the Bricklayers Company, or four honest Men thereof, may within fifteen Miles of London enter on Ground where Earth, &c. is dug, or Bricks, &c. made, and search and examine the same, and fine Persons guilty at their Court, and levy such Fine by Distress and Sale, by Warrant under the said Company's Seal; (but an Appeal lies from them to the Quarter-Sessions, who are finally to determine, and may award Costs to either Party).

And Justices of Peace of other Counties are at *Easter* Sessions to nominate two or more Searchers of Earth, &c. for Bricks, &c. who are twice a Year to make Presentments to the Quarter-Sessions of Offences against this Act, whereto the Parties shall appear on Summons; and on Conviction of the Offence, or Refusal to appear, the Penalties *supra* to be levied and distributed by the Justices, one Moiety to the Prosecutor, and the other to the Poor where the Offender lives.

The Searchers to have of the Makers a Half-penny a Thousand for Bricks, and a Penny a Thousand for Pantiles searched, and the Quarter-Sessions to inquire of the Default of Searchers, and fine them not exceeding 10 s.

By 2 Geo. 2. c. 15. The Master and Wardens of the Company of Tilers and Bricklayers are devided of the Powers given them by 12 Geo. 1. c. 35. and Three or more Persons who shall be appointed Searchers for that Purpose by the Justices of the Peace, at their Quarter-Sessions for the City of London, or any County or Place within fifteen Miles thereof, may enter in the Day-time into any Grounds, &c. where Clay or Earth shall be digged or digging for Bricks or Pantiles, or any Bricks or Pantiles are made for Sale, and there to view, &c. and all Persons within the Compass aforeaid, who willingly make or be concerned as a Master in making, &c. contrary to the said Act of 12 Geo. 1. or in selling, &c. shall forfeit 20 s. a Thousand, to be recovered by Action of Debt, &c.

Tiles. Tithes.

By 3 Geo. 2. c. 22. Any Person within fifteen Miles of London, may make and burn Bricks for Sale, which when burnt shall be eight Inches and three Quarters long, four Inches and one eighth Broad, and two Inches and Half thick.

Timber-Trees. See Hedge-breakers.

Tithes.

I Shall be a little large in this Title; and though in Matters which do not concern the Office of a Justice of Peace, yet I am of Opinion, what follows is necessary to be known by them and others.

The Maintenance of the Parochial Clergy arises,

1. Out of the Glebe, which also takes in the House.
2. By Oblations.
3. By Tithes.

1. The *Glebe* was the original Endowment of the Church, and it was always settled before the Building, and was to be a Maintenance for those who attended the Service, when built.

The Right of Presentation by private Persons was founded on this Endowment, and the *Advowson* was never in Gross originally, but always appendant to Manors, because the Right of Patronage was derived out of the Endowment which issued out of Manors.

The learned Bishop of *Worcester* tells us, how the Words *Advowson* and *Patronage* came to be used amongst us in this Sense, viz. By the Canon Law, great Churches are allowed to have *Advocates* to solicit their Causes at Court: Afterwards, the Kings of *England* appointed such *Advocates* to great Monasteries, and this was an honorary Title in those Days; and then in Time, those who built Parochial Churches came to be called *Advocates* or Patrons of them, from whom the Right of Presentation is called the Right of *Patronage*, or *Jus Advocationis*, which Right their Heirs were bound to defend, because the Care of such Churches was devolved on them by the Death of their Ancestors.

2. *Oblations*: These were so large in the Primitive Times, that Persons did build Churches on their Lands on Purpose to have an equal Part of the Oblations with the Clergy; there was no Need then of any established Law to supply their Necessities,

cessities, because of that great Liberality of the People: But this was usually in great Towns and Cities, and the Clergy had an ample Provision in such Places out of the *Common Stock* in Lieu of Tithes; and this was called *Sportulation*.

But when Christianity spread in the Countries, then there was a Necessity for a fixed Maintenance of the Clergy; and a Canon was made *Anno 585*, for Payment of Tithes, as * At Mafcon founded on the Law of GOD, and the antient Custom of the in France. Church; the Payment whereof had been *disused* by Reason of these voluntary Oblations.

We find these *Oblations* were made not only by the Living, but at the Death of the People, in the Time of our *Saxon* Ancestors; and this was then called *Symbolum Animæ*, or the *Saxon* Soulshot; and the Church, to which the Deceased did belong as Member thereof, claimed this Duty.

Some are of Opinion, that this was the Original of *Mortuaries*, only altering the Thing given, *viz.* by turning Money into Goods; and therefore when *Glawile* wrote, a Freeholder was allowed to make a *Will*, so as he gave the best Thing he had to the Lord *Paramount*, and the next best to the Church.

But 'tis now generally held, That *Mortuaries* are not due of common Right, but only by Custom, as a Recompence for Tithes subtracted, and Oblations not duly paid, and other Parochial Duties neglected by the Party in his Life-time. These Oblations being only discretionary, did afterwards sink so low, that without the great and legal Support of Tithes, the Clergy could not be maintained.

3. *Tithes*: These are said to be Ecclesiastical Inheritances, collateral to the Estate in the Land out of which they arise, and are of their own Nature due only to spiritual Persons.

These are due not only of common Right, but are enjoined by particular Laws, both before and since the Conquest, by which Laws they are to be determined as well as the other nine Parts.

And the Owner of the Soil can claim no manner of Right to them; for if he hath the Land by Descent, he can have no Title to the Tithes, because his Ancestors had none; if he has it by Purchase, he never paid for them, because they are set aside in the Valuation of the Land sold.

Now if we consider the Nature of Payment of Tithes, we shall find some General Rules relating to it, but not without some Exceptions.

1st Rule: That Tithes are to be paid only of Things which *Annually* increase *Simul & Semel* (together and once).

But this Rule is to be understood where there is no Custom to the contrary; for in such Case they are to be paid for *Cool*,

Chalk, Lead, Slate, Stone, Tin, Turf, which do not yearly increase.

As for Houses, a customary Duty, or *Modus decimandi* (a Method or Manner of Tithing) hath been antiently allowed in Lieu of Tithes; but such a Prescription has likewise been denied, because a *Modus* is only payable for the Increase of Things.

The Payment according to the Rule before-mentioned, being to be only *semel in Anno* (once in a Year), then there can be no Tithes due for After-pasture where Tithe-Hay hath been paid in the same Year; but Custom likewise prevails in that Case.

2d Rule: Things which are *fera Naturæ* are not titheable, because a Man hath no Property in such. But *Pigeons, Rabbits, Bees, &c.* cannot properly be said to be *fera Naturæ* (of a wild Nature), because they are in Custody in particular Places set apart for those Purposes; and when they go out, 'tis still *Animo revertendi* (with a Mind of returning).

'Tis not worth disputing, whether Tithes are due of common Right for such Things, but they are certainly due by Custom; and so likewise of *Fish*.

Tithes being therefore enjoined by the Laws of the Land, must be recovered by the Help of those Laws when unjustly detained; but in many Cases *Exemptions* are allowed.

1. By Appropriations.
2. By Privileges of certain Orders.
3. By Prescription, or real Composition.
4. By Unity of Possession.

1. By *Appropriations*, which is the Giving particular Churches with their Tithes to Ecclesiastical Persons, as to Monasteries, Priors, &c. for the better Maintenance of Hospitality: These are now become Lay-Inheritances since the Statute of Dissolutions; but in such Case, the Impropiator is to find a Vicar to serve the Cure.

'Tis agreed by learned Men, That the Parochial Right of Tithes was settled here by the Saxons, but very much neglected afterwards by the Normans, who possessed themselves of those Manors and Lands out of which Tithes were issuing, and built Monasteries and Abbies, and appropriated the Tithes to them.

By this Means the poor Clergy were reduced to a low Condition again; but even in those Cases, the Bishop was to take Care not to admit a *Vicar* presented by the *Monks* to serve the Cure where the Tithes were appropriated to them, unless they would consent to a sufficient Allowance for his Support.

The

The Sum was at first left to the Discretion of the Bishops; but they being remiss in those Days in this Matter, it came afterwards to be particularly mentioned in the Decretals, and to be enjoined by the * Statutes of Appropriations, viz. That in every appropriate Church, a Secular Person be *Vicar*; for before that Statute of 4 H. 4. the *Monks* presented a Regular one of their own Order, and still kept the Tithes; but by this later Statute he was to be a Secular Person, and not only canonically instituted and inducted, but conveniently indowed, (but it was at the Discretion of the Ordinary) or the Appropriation was to be void. * 15 R. 2. c. 6. 4 H. 4. c. 1.

These Appropriations being personal, were in their very Nature to endure no longer than the Bodies to which they were united; and therefore upon their Dissolution they were vested in the Crown.

'Tis true, this Power of the Bishops is not mentioned in the Statute of Dissolutions, but yet 'tis not taken away from them by that Statute; for the King had the Monasteries and Tithes in as large a Manner as the Abbots had them before the Statute; and there is a Saving to the Rights of all Persons, &c. Now this being an antecedent Right in the Bishops to make an Allowance to the *Vicar*, it must be therefore saved. And this appears by some Resolutions in Law: A *Vicar* libelled, for that the Church was appropriated, and he had not a sufficient Maintenance; and a Prohibition was prayed, but denied, because the Bishop might compel the Impropiator to enlarge it. 1 Roll. 337. 31 H. 8.

This Endowment of *Vicarages* is usually of small Tithes; yet the *Vicar* may prescribe for Tithes not mentioned in the Endowment, because the Ordinary hath Power to increase his Allowance.

2. *Exemption*: This is by Privileges of particular Orders: 'Tis true most Orders of *Monks* were at first exempted from Payment of Tithes; but in Time this was restrained to three Orders:

Viz. to { *Cisterians*.
 { *Hospitallers*.
 { *Templars*: Dissolved by the Statute of 17 Ed. 2. and their Possessions given to the *Hospitallers*.

But these Privileges had certain Limitations:

1. It must relate to Lands in their Possession, before the Council of † *Lateran*; for if given to them afterwards, such Lands had not this Privilege. † 17 Johan. Anno 1215.

So that, though at the Time of the Dissolution those Lands were discharged of Tithes; yet that must be intended of a le-

gal Discharge, because Lands given since that Council were not capable of Discharge.

2. Where there was an *antient Composition*, Lands were not discharged by this Privilege; but the *Composition* was still paid, and the Rectors and Vicars who were able, did contest this Matter with the Monks, and prevailed.

These being personal Privileges united to particular Orders, it must necessarily follow, that when these Orders were dissolved, the Privileges were extinct, unless continued by these Acts which dissolved them.

* 200 l. per
Annum.

But this was not done by the Statute of 27 Hen. 8. by which all the little Monasteries and Priories under * Value, were dissolved; so that this Privilege doth not prevail where the dissolved Monasteries, &c. were under Value, because there is no Provision in that Act to exempt their Lands from Payment of Tithes.

† 31 H. 8.

And therefore Care was taken † four Years afterwards, when the great Monasteries were dissolved, that the King should hold their Lands discharged of Tithes, as the Abbots had done before the Dissolution.

3. *Exemption*: This is by *Prescription* and *antient Composition*: As to *Compositions real*, the Canonists say, *Non valet Consuetudo ut minus quam decima solvatur* (Custom shall not avail where less than the Tithes is to be paid); but they allow it to be good where less is paid in Cases by personal Tithes, which arise out of the Profits by the Labour and Industry of Men; but I can see no Reason why it should not be so in mixt and predial Tithes, which arise in the one Case partly by Industry, and out of the Ground, as Milk, Cheese, &c. and the other only out of the Ground; as Fruits, Corn, Hay, &c.

These *Compositions* are usually entred in the Bishop's Register, and were at first made for a valuable Consideration; but since that Time the Price of Things is much advanced; so that tho' now such *Compositions* bear no Proportion to the real Value of the Tithes, yet Custom doth prevail; and from hence arises what we call a *Modus decimandi*.

But now since the Statute of 13 Eliz. c. 10. a real *Composition*, tho' made by the concurrent Consent of Parson, Patron and Ordinary, shall not bind the Successor; because by that Statute all Grants which are binding are restrained to twenty-one Years, or three Lives.

But as to *Prescription*, 'tis not allowed in *Lay Persons* in non *decimando*, because none but Spiritual People are capable of having Tithes.

'Tis true, this is allowed to them in *Modo decimandi*, but with some Limitations, viz. it must be immemorial and reasonable; that is, there must be some Recompence for the Parson,

Parson, and it must be something which is certain and durable; for if otherwise, it shews an original Deficiency in the Custom, and therefore 'tis void.

4. *Exemption. Unity of Possession*, that is, where Lands which were formerly titheable, were united by *Appropriation*, or otherwise, to some Monastery or Priory; by this Means they were discharged of Tithes.

But this is more properly a Suspension than a Discharge, because in such Case they cannot in Reason be said to pay Tithes to themselves.

There are likewise some Restrictions in this Matter.

This Unity must be just, and not obtained by Wrong.

It must be equal, that is the Abbot must have an equal Estate of Inheritance, both in the Land and in the Tithes; the one in his Temporal, and the other in his Spiritual Capacity.

It ought to be perpetual; that is, Time out of Memory.

It ought to be *Libera*; that is, discharged at the Time of the Dissolution, and then in the Possession of the Abbot; for it was in Lease, and their Farmers have paid Tithes to them, the Unity will serve.

In that King's Reign a Statute was made to enforce the Execution of a Sentence of an Ecclesiastical Judge for Tithes, *viz.* Two Justices might commit him who refused to obey the Sentence, upon Complaint to them in Writing from such Judge. 27 H. 8. c. 20.

A *Quaker* refusing to pay or compound for his great or small Tithes, or to pay Church-Rates, may upon Complaint be summoned before the two next Justices (other than such Justice who is Patron of the Church, or any wise interested in the Tithes) who may examine upon Oath the Truth and Justice of the Complaint, and ascertain what is due to the Person complaining; and if it is under 10 *l.* they may by an Order under their Hands and Seals direct the Payment.

And if such *Quaker* refuse to pay, &c. one of the said Justices may, by Warrant under his Hand and Seal, levy the Money by Distress, &c.

If the *Quaker* finds himself aggrieved, he may appeal to the next Quarter-Sessions; and in such Case no Warrant for Distress shall be granted till the Appeal is determined.

If the Sessions upon the Appeal continue the Judgment, they may give Costs against the Appellant, to be levied by Distress, &c.

No *Certiorari* to be allowed, unless the Title comes in Question.

There is likewise an easy and expeditious Way for all other Persons to recover small Tithes, &c. under 40 *s.* per Ann. 'tis continued for seven Years, and to the End of the next Sessions of Parliament, per 3 & 4 Ann. it is made perpetual.

Quaker.
7 & 8 W. c. 34.
To continue for seven Years.
1 G. c. 7.
made perpetual, and extend to any Tithes or Church-Rates, and order Costs, not exceeding 10 *s.*

7 & 8 W. For three Years.
Per 10 & 11 W.

Tithes.

The Person to whom 'tis due, may in twenty Days after Demand, and within two Years after it became due, complain in Writing to two Justices, neither of them Patron of the Church, or interested in the Tithes.

These two Justices may summon the Party by a Writing under their Hands and Seals to appear before them, &c. and after Appearance, or in Default thereof, (if the Service of the Summons is proved on Oath) they may hear the Complaint by Witnesses upon Oath, and may make a Judgment under their Hands and Seals, by making an Allowance for the Tithes, and give Costs not exceeding 10 s.

This Judgment must be inrolled by the Complainant at the next Sessions, for which he is to pay 1 s. and this Inrollment, and Satisfaction made, shall be conclusive for any other Remedy for the same Tithes.

If the Party neglect or refuse to pay the Money so adjudged, in ten Days after Notice, the Constable and Headborough may levy it by Warrant of the said Justices by Distress and Sale of the Goods of the Offender, which must be paid to the Person complaining; and the Officers may retain such Charges for making the Distress, and for detaining it three Days (for they cannot sell it before) as the Justices shall think fit.

The Party grieved may appeal to the next Sessions, whose Judgment shall be final, and they may reverse the Judgment of the two Justices; but if they confirm it, they may give Costs against the Appellant, to be levied by Distress, &c.

If the Defendant removes out of the County, City, &c. after Judgment had, and before the Sum is levied; one of the two Justices who gave the Judgment, may certify it under his Hand and Seal to any other Justice of that Place where the Defendant shall live; which Justice shall cause the Money to be levied by Distress, &c.

'Tis further enacted, That no such Judgment shall be removed or superseded by *Certiorari*, unless the Title of the Tithes come in Question.

But if the Party against whom the Complaint is made insist on a *Modus*, and deliver the same under his Hand to the Justices, then he giving the Complainant such Security as the Justices shall think fit, to pay the Costs and Damages, which upon a Trial at Law shall be given against him, the Justices shall not proceed, but the Complainant must sue for his Tithes in the Courts above.

The

The Summons.

To A. B. of, &c.

W Hereas Complaint hath been made before us, two of his Majesty's Justices of the Peace for the County of Suffex, That you the said A. B. have refused to pay unto A. C. Vicar of the Parish of H. the small Tithes due to him from you, as by Law you ought: These are therefore to require you to appear before us at the Sign of, &c. on Wednesday the 24th Day of March, to be examined concerning the Premises. Given under our Hands and Seals, &c.

The Order.

To A. B. of the Parish, &c.

W Hereas Complaint hath been made unto us, two of his Majesty's Justices of the Peace for the County of Suffex, Quaker. That A. B. being a Person commonly called a Quaker, hath refused to pay or compound for his small Tithes arising in the Parish of H. and we having summoned the said A. B. before us, and having duly examined the Truth and Justice of the said Complaint upon Oath, do find that there is justly due from the said A. B. to the Vicar of the said Parish, the Sum of 3 l. being the Value of the small Tithes for two Years last past: We therefore the aforesaid Justices, being neither of us Patron of the said Parish Church of H. or any Ways interested in the said Tithes, do order and appoint the aforesaid A. B. to pay, or cause to be paid unto the said Vicar, the aforesaid Sum of, &c. within ten Days after Notice of this our Order. Given, &c.

The Warrant to distrain in Case there is no Appeal.

To the Constable, &c.

Suffex, to W Hereas A. B. being a Person commonly called a One Justice. Quaker, hath been summoned to appear before two of his Majesty's Justices of the Peace for this County, to be examined for Non-payment of his small Tithes: And whereas the said Justices have ordered him to pay unto the Vicar of H. the

Tithes. Tobacco.

the Sum of 3 l. within ten Days after Notice of the said Order: And whereas it appeareth unto me R. B. Esq; one of the said Justices, that the said A. B. had due Notice of the said Order, but doth refuse to pay the said Sum of 3 l. These are therefore to require you forthwith to levy the aforesaid Sum of 3 l. by Distress and Sale of the Goods and Chattels of the said A. B. rendering to him the Overplus, if any shall happen to be. And hereof fail not. Given under my Hand and Seal, &c.

Tobacco.

1 Geo. c. 46.

ANY Person cutting, or procuring to be cut, *Walnut-Tree-Leaves, Hop-Leaves, Sycamore-Leaves*, or any other Leaves, Herbs, Plants or Materials, in Imitation of the usual Sizes which Tobacco hath been cut into for Sale, or colouring any such Leaves, &c. to make them resemble Tobacco, or selling the same mixed or unmixed with Tobacco, shall forfeit 5 s. for every Pound, and so in Proportion; one Moiety to the Crown (which is to be at the Charge of the Prosecution) the other Moiety to the Prosecutor; to be recovered with full Costs, in any Court of Record at *Westminster*.

The like Penalty for *exporting* such Leaves, and the same and the Materials or Engines for cutting, colouring, &c. are forfeited, and may be seized by an Officer of the Customs, or other Person authorized by the Commissioners of the Treasury or Customs.

No House, &c. shall be opened to search for Leaves, &c. and Tools, but at seasonable Hours, and not without a Special Warrant from two Justices, where the Search is made, and that the Leaves, &c. which shall be found within the Limits of any Port, or within six Miles thereof, shall be brought to the next Custom-house, and if seized at a greater Distance, shall be secured by the Order of two Justices, at the King's Charge, till the Cause of Seizure be determined by the next Sessions; and after such Determination, the same shall be burnt or destroyed by an Order of Sessions at the King's Charge.

Servants and Labourers, employ'd in *Cutting, Colouring, Curing, or Manufacturing any Leaves, &c.* to resemble Tobacco, or in making such Mixture, or knowingly selling the same, and being convicted thereof by the Oath of one Witness, before two Justices, shall be committed to Gaol, or House of Correction, there to be kept to hard Labour, for any Time not exceeding six Months, without Bail.

Persons

Tobacco. Toll.

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Persons sued for doing any Thing in Execution of this Act, may plead the General Issue, and may give the Act and Special Matter in Evidence; and if he recover, shall have treble Costs.

Mixing or colouring Snuff with Oker, Umber, or any Colouring, except with Water tinged with Venetian Red; or mixing, or causing to be mixed with Snuff, any Fustick or yellow Ebony, Touchwood, or any other Wood, Dust, Sand, or Tobacco-Dust; or knowingly selling, or exposing to Sale, such mixed or coloured Snuff, forfeits 3 L. for every Pound of Snuff, and all the Snuff; one Moiety to the Crown, the other to the Informer, or to him who shall seize or sue for the same; to be recovered in a Court of Record.

A Warrant to commit a Servant or Labourer for cutting Leaves to resemble Tobacco.

To the Constable of, &c. and to the Keeper of the common Gaol at, &c.

Middlesex, **W** Hereas T. B. of, &c. hath on the Day of the 1 G. c 46.
to wit, Date hereof been duly convicted before G. D. Two Justices.
and R. W. Esqrs; two of his Majesty's Justices of the Peace One Witness:
for the said County, by the Oath of R. W. of, &c. that he the
said T. B. was on the 7th Day of August last employ'd as a
Servant in * cutting Walnut-tree Leaves in Imitation of the * Or cutting
usual Sizes which Tobacco has been cut into, contrary to the Law any Leaves, or
in that Case made and provided: We do therefore require you, colouring
or one of you, forthwith to convey the said T. B. to the common them, or mix-
Gaol at L. in the County aforesaid, and to deliver him to the ing them with
Keeper thereof: And we do hereby command the said Keeper to Tobacco, or
receive the said T. B. into his Custody, and to keep him in the knowingly sell-
said Gaol to hard Labour for three Months without Bail; and ing the same,
for your so doing, this shall be your Warrant, &c. or as the Case
is.

Toll.

THIS relates either to Markets and Fairs,
or
Millers.

Toll. Trade.

As to Markets; the Owner thereof, if he hath the Toll, must have a Brass-Measure chained in the Market-Place, or he forfeits 5 *l.* per Stat. 22 *Car.* 2.

And as for *Horses* sold in Markets; if the Toll-taker doth not know the Seller, he must bring a Voucher who knoweth him; and if such Voucher giveth false Testimony to the Toll-taker, he forfeits 5 *l.*

Or if a Thief steals an Horse, and enters it by a wrong Name, the Sale is void. 31 *Eliz.* c. 12.

By the Statute 2 & 3 *Ph. & M.* c. 4. the Toll-taker must take but 1 *d.* for the Toll of an *Horse*, and entering the Party's Name, Mystery and Dwelling, and Price of the Horse.

And if he refuse to give the Buyer a true Note of the Entry, paying 2 *d.* he forfeits 5 *l.* per Statute 31 *Eliz.* c. 12.

As to Millers, if they take Toll by heaped Measure, they are to be grievously fined. 31 *Ed.* 1. *De Pistoribus* (of Bakers):

And by another Statute, viz. 31 *H.* 3. c. 3. if they take more than the 24th Part of the hard Corn, or by a Toll-dish, which doth not agree with the King's Measure, or otherwise than by Strike, they shall be grievously amerced.

And they shall have no more than three Pints of a Bushel of Corn, and one Pint of a Bushel of Malt, if brought to the Mill.

Trade.

DEBT upon the Statute of 5 *Eliz.* c. 4. may be brought in the Courts at *Westminster*; but an Indictment upon that Statute for using a Trade, not being an Apprentice to it for seven Years, may be tried at the Quarter-Sessions.

Some Judges, and particularly Justice *Twyden*, was always of Opinion, That this Statute ought not to extend to Traders in Country Villages, but only to such in Market-Towns who had not served their Apprenticeship, and yet used Trades in those Towns.

But others have thought, that such a Construction would be very prejudicial to Corporations.

At Common Law, before the Making this Statute, any Man might use what Trade he pleased, though he had not been an Apprentice to it; and if he did it unskillfully, the Party damnified might have an Action on the Case; which, together with the Loss of his Trade, (for that must be the Consequence where Skill is wanting) was held a sufficient Punishment; and therefore this Statute has not been much favour'd by some Lawyers, nor extended farther than it ought.

And

And it is said that no Action or Indictment lies unless the Trade be named in the Statute, but this is no General Rule, for it has been adjudged otherwise; nevertheless it may not be unnecessary to mention those Trades.

The Arts and Trades then mentioned in the Statute 5 *Eliz.* Trades men are these, *viz.* Arrowhead-makers, Bakers, Brewers, Butchers, Bowyers, Cappers, Clothiers, Cloth-workers, Cooks, Cutlers, Curriers, Dyers, Ferrers, Felt-makers, Fletchers, Fullers, Glovers, Hat-makers, Hosiers, Millers, Pewterers, Sadlers, Shearmen, Shoe-makers, Smiths, Spurrers, Taylors, Tanners, Tuckers, Turners, and Woollen-cloth Weavers.

A Turkey Merchant trading in Cloth thither, employed Cloth-workers in his House who had been Apprentices to that Trade for seven Years, and he provided Materials for them to make Cloth, and constantly paid them their Wages every Week, but he was never an Apprentice to that Trade himself; *Holt*, Chief Justice and two more Judges, against the Opinion of the Fourth, held this was exercising a Trade within the Statute; it is true, the private exercising a Trade is not within that Law, but where 'tis used for Profit and Gain, and not confined to a particular Family, that is an exercising a Trade within the Statute.

What shall be deemed exercising a Trade within the Statute.

An Indictment for using a Trade, not being an Apprentice.

Suffex, to **T**HE Jurors for our Sovereign Lord the King upon their Oath present, That W. B. late of *L.* in the County aforesaid, Yeoman, on the twenty-fourth Day of January in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. and continually afterwards to the Day of Taking this Inquisition, that is to say, the twenty-fourth Day of April in the same ninth Year above-mentioned, (being for the Space of three whole Months) at *L.* aforesaid in the said County, did unlawfully, for his proper Gain, use, exercise and occupy the Art, Mystery or manual Occupation of a Baker, being an Art, Mystery, or manual Occupation used and occupied within this Kingdom of England, on the twelfth Day of January in the fifth Year of the Reign of our Sovereign the Lady Elizabeth, late Queen of England, &c. when in Fact the said W. B. on the twelfth Day of January aforesaid in the said fifth Year of the Reign of our said Lady Elizabeth, late Queen of England, &c. did not lawfully use or exercise the said Art, Mystery, or manual Occupation of a Baker aforesaid, or any other Art, Mystery, or manual

An Indictment for using the Trade of a Salesman, and held to be within the Statute.

Raym. 385.

Transportation.

usual Occupation, nor ever afterwards was brought up in the said Art, Mystery, or manual Occupation of a Baker aforesaid, for the Space of seven Years as an Apprentice, contrary to the Form of the Statute in such Case made and provided, and also against the Peace of our said Lord the King, his Crown and Dignity.

Note; By 9 Geo. 2. c. 11. Persons who have followed Distillation for seven Years last past, or on the 25th of March 1736. were serving any Apprenticeship to the same, may follow any other Trade, Art, Business or Manufacture in any City, Town or Place in England.

Transportation. See Deer-stealing and Felony.

CORN may be transported when 'tis at the Prices following, or under, if not prohibited by Proclamation.

		l. s. d.
Wheat per Quarter.	Per 1 Jac. c. 25. 21 Jac. c. 28.	01 06 08
	Per 3 Car. c. 4.	01 12 00
	Per 1 Will.	02 08 00
Barley per Quarter.	Per 1 Jac. c. 25. 21 Jac. c. 28.	00 14 00
	Per 3 Car. c. 4.	00 16 00
	Per 1 Will.	01 04 00
Beans per Qr.	Per 3 Car. c. 4.	01 00 00
Malt per Qr.	Per 1 Will.	01 04 00
Oats per Qr.	Per 1 Jac. c. 25. 21 Jac. c. 28.	00 14 00
Pease per Qr.	Per 3 Car. c. 4.	01 00 00
Rye per Qr.	Per 1 Jac. c. 25. 21 Jac. c. 28.	00 15 00
	Per 3 Car. c. 4.	01 00 00
	Per 1 Will.	01 12 00

And by the Statute of 1 Will. it is enacted, That Corn to be transported must be shipped in *English* Vessels, the Master and two Thirds of his Seamen being the King's Subjects.

A Certificate under the Merchant's Hand must be brought to the Collector of the Customs, &c. in any Port, both of the Quantity and Quality of the Corn shipped.

This Certificate must be proved before the Collector, &c. upon Oath, which he is impower'd to administer.

The Merchant, or other Person, must give Bond in the Sum of 200 l. for every Tun of Corn shipped, and so proportionably;

Transportation.

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ably; the Condition thereof must be, that it shall be transported beyond Sea, (Dangers of the Sea excepted) and not landed in England.

And then the Merchant shall receive of the Collector upon Demand, *viz.*

For every Quarter of Barley or Malt	— 09 02 06
For every Quarter of Rye	— 00 03 06
For every Quarter of Wheat	— 00 05 00

And the chief Magistrate of the Place beyond the Seas where the Corn was landed, certifying it under the common Seal, or two *English* Merchants there, under their Hands and Seals; and this Certificate being brought to the Person who took the Bond, he shall forthwith deliver it to be cancelled without any Fee.

This Money paid by the Collector shall be accepted in his Accounts as so much paid to the King.

Any Person of the Age of fifteen Years, and under twenty-one Years old, willing to be transported and to enter into any Service in the King's Plantations in *America*, any Person may contract with him for such Service, not exceeding eight Years, so as such Person so binding himself come before two Justices of the Peace where the Contract was made, and acknowledge his Consent, and sign the Contract in their Presence, and with their Approbation; which said Contract and their Approbation thereof, must be certified by them at the next General Sessions, to be registered by the Clerk of the Peace without Fee.

4 Geo. c. 11.

Travelling beyond Sea.

THE Officers of Ports, or Owners of Vessels, suffering Women or Children, *under Age*, to go or carry them beyond Sea, without the Licence of the King, or six of the Privy Council, under their Hands, forfeit their Office and all their Goods; and the Master of the Vessel forfeits his Vessel and all his Goods, and must be committed without Bail for twelve Months.

Any Subject going beyond Sea, to serve any *Foreign Prince*, if he doth not take the Oath of Allegiance before the Controller or Customer of the Port, or his or their Deputy, is a Felon.

He

Travelling beyond Sea. Treason.

He who administers the Oath must register it, and certify it into the Exchequer once every Year, or forfeits 4*l.* for every Oath not certified.

And a Gentleman, or one of a higher Degree, going beyond Sea to serve as aforesaid, must be bound with two Sureties in 20*l.* to the King, not to be reconciled to the Pope, nor to practice any Thing against the King, but to reveal what he shall know against him: The Controller or the Customer of the Port must see that the Person enters into such Bond, and must register it, and certify it into the Exchequer once every Year, or forfeits 5*l.* for every Default.

Children going beyond Sea without Licence as aforesaid, shall take no Benefit by Descent, until they, being eighteen Years old, take the Oath of Allegiance before one Justice of the County where the Parents dwell or dwelt; and in the mean Time the next of Kin, being no Recusant, shall enjoy it till he conforms to take the Oath of Allegiance, and to receive the Sacrament, and then to account to him for the mesne Profits, and in reasonable Time to pay the same.

He who sends Children beyond Sea loseth 100*l.* one third Part to the King, another to him who sues, another to the Poor. 3 Jac. i. 5.

Travellers. See Indiments.

Treason.

THIS is a Crime of so transcendent a Nature, that it hath not yet been defined; it is *malum in se*, and therefore an Offence at Common Law, before the Statute of 25 Ed. 3.

'Tis true, before that Statute, the Judges did usually determine what Treason was, which made it somewhat incertain; but since that Time it hath been generally reduced under six Kinds; and though more Treasons were introduced by many subsequent Laws, yet that old Statute of 1 Ed. 3. was re-inforced by 1 Maria 1. so that all made between these two Laws are abrogated, and the Statute of 25 Ed. 3. is the Standard at this Day.

The six Kinds of Treason are these:

1. By compassing or imagining the Death of the King, Queen, or Prince, and declaring the same by some Overt Act.

I. Death.

- I. Death. { 2. By killing the Chancellor, Treasurer, Justices of either Bench, or of Assize, Oyer and Terminer, in the Administration of Justice.
- II. Violation. { To violate or carnally know the Queen, the King's Eldest Daughter unmarried, the Prince's Wife.
- III. ———— Levying War.
- IV. ———— Adhering to the King's Enemies.
- V. ———— { Counterfeiting the Great Seal, the Privy Seal, the King's Coin.
- VI. ———— { By bringing counterfeit Money into England like the King's Coin.

Any open Act manifesting a Design to depose or imprison (1) By compassing the King, is a sufficient Declaration of compassing or imagining, &c. as providing Arms to effect it, sending Letters to incite wicked Persons to attempt it, writing to foreign Princes to invade the Kingdom, assembling the People to take the King into their Custody: These and such like are Overt-Acts to make one guilty of High Treason within this Branch of the Statute, especially if there is any Proof of Words signifying to what Purpose such Acts were done.

And even Words themselves may be laid as an Overt-Act of Treason; for 'tis the natural Way to express our wicked Intentions; and this was * *Crobagan's Case*, who being beyond Sea, said, *I will kill the King if I can come at him*. This Person afterwards came into England, and was indicted for Compassing the King's Death, and these Words were laid as an Overt-Act, and being proved, he was convicted of High Treason. 'Tis true, my Lord Coke was of a contrary Opinion in his *Pleas of the Crown*, fol. 14. but in the Case of the Regicides, that Opinion was denied to be Law, *Keil*, 13. However he agreed, That Words set down in Writing may be an Overt-Act to prove the Compassing of the King's Death.

And this was *William's Case*, he wrote a Book called *Speculum Regale*, wherein he foretold the King's Death. 2 Roll. 88.

So to say, the King, being excommunicate by the Pope, may be deposed and killed. *Owen's Case*, 13 Jac.

† So is the Printing any treasonable Positions.

† *Twyn's Case*,

So is the gathering Men together to compel the King to comply with their Demands, or to remove Evil Counsellors, or to conspire with a Foreign Prince to invade the Kingdom. *Kelynge* 21.

But a Man *Non compos Mentis* cannot be guilty within this Branch, &c. because he is deprived of his Reason, but he may

may be guilty by attempting any Violence upon the Person of the King, &c.

This Overt-Act must be alledged and proved in every Indictment, &c.

And because a Civil War, and the Destruction of the People, are the natural Consequences hereof, therefore this was Treason at Common Law.

What a King. A King before his Coronation, a King *de facto*, is a King within this Act; but the Husband of the Queen Regent, or the Right Heir to the Crown, not in Possession, is not so.

What a Queen. She must be absolutely so, and not a Dowager.

What the Prince. The second Son after the Death of the Eldest, the Eldest Son of the Queen *Regnant*, but the collateral Heir apparent is not within the Statute.

(2.) By violating the Queen. This doth not extend to a Dowager; if the Queen consents, 'tis Treason in her; but there must be some open Act to manifest it, which must appear by plain and not conjectural Proof; and the Offender must likewise be attainted in his Lifetime, for if he die before Conviction, he cannot be attainted but by Parliament.

This Offence was likewise High Treason before this Statute, because it utterly destroyed the Certainty of the King's Issue, and by Consequence raised Contention about the Succession.

(3.) By levying War. A Conspiracy, or Compassing to levy War, is no Overt-Act, &c. unless a War is actually levied; this appears by the Statute of 13 *Edw. 1.* which made such Conspiracy Treason during the Life of that Queen; but if a War is levied, then the Conspirators are all Traitors, though not actually in Arms.

And yet the Meeting and Consulting to levy War, tho' no War is actually levied, will be a sufficient Overt-Act to prove the Compassing and Imagining the Death of the King.

Co. El. Cor. 14. 'Tis true, there is an Opinion in my Lord Coke's *Pleas of the Crown* to the contrary; but that Opinion has been denied to be Law.

Now if a Meeting and Consulting to levy War, tho' no War is afterwards levied, shall be a sufficient Overt-Act to prove the Compassing the King's Death; *a fortiori* 'tis so where War is actually levied. *Kelynge* 20.

Raising Forces for any publick End or Purpose is Treason; this was the Case of *Cotton* and other *London* Apprentices, who assembled to pull down Bawdy-houses; they chose Captains amongst themselves, and marched in a Posture of War; they wounded the Constable, and opposed the Guards: All which was found specially at the *Old Bailey*, and upon Consideration of the Fact, some of them were executed. *Sid.* 388.

2 And. 67. Several conspired in *Oxfordshire* to pull down Enclosures, and to go to the Lord *Norris's* House for Armour, Horses, &c.

Es. and from thence to London, and to join with more; this was held Treason.

Two or more conspired to levy War, and one of them afterwards actually raised Fortes; this was held Treason in all, by the Opinion of all the Judges in Sir Nich. Throgmorton's Case, who conspired with Wyat. Dyer 98. B.

Some London Apprentices were committed for a Riot, and some other Apprentices conspired to release them, and to kill the Lord Mayor, and to provide themselves of Armour, by breaking open two Houses near the Tower; they had a Trumpet, and a Cloak on a Pole instead of a Flag, and were going towards the Lord Mayor's House; but were opposed by the Sheriffs, whom they resisted; and this was held Treason, by levying War, and within the Statute of 13 Eliz.

By aiding or comforting them, by surrendering any Fort or Castle to them for Reward. (4.) What adhering to the King's Enemies.

If the King's Subject becomes a Rebel, he is not properly called an Enemy, but a Traitor, and shall have Judgment against him as such, and not as an Enemy, because an Enemy is out of the Allegiance of the King; and if such a Person is succoured out of the Realm, this my Lord Hale tells us is not an Adhering to an Enemy within this Clause.

But I can see no Reason for this Difference between an Enemy or Traitor, for I think one and the same Man may be both.

Indictment for High Treason in adhering to the King's Enemies, setting forth that he with many Frenchmen, Enemies to the King, did navigate a Ship called the *Glancarty*, with a Design to destroy the King's Ships; it was objected that the Adhering was not alledged to be against the King, and that the Navigating, &c. was not an Overt-Act of adhering without Fighting, or some Act done in an hostile Manner: Adjudged that an Indictment for levying War or adhering to the King's Enemies is not good without shewing some particular Instances; for these Words, *viz. And be thereof proveably attained by some Overt-Act* do immediately follow, and are connected to those Treasons; and that a distinct Overt-Act cannot be given in Evidence, but only such Overt-Act which relates to prove the Treason alledged in the Indictment; as for Instance, If Consulting to kill the King is alledged, in such Case any Actings or Doings in Pursuance of such Consultation may be given in Evidence, because they are a farther Manifestation of the Treason alledged in the Indictment. But in the principal Case adhering to the King's Enemies is an Adhering against him, that joining with rebel Subjects of his Allies, and fighting with them under the Command of an Alien Enemy, is Adhering to the King's Enemies; that Navigating this Ship without doing any hostile Act is an Overt-Act of Adhering. 2 Salk. 634.

Treason.

An Enemy coming into *England* in a War-like Manner, shall be executed by Martial Law; but a Subject assisting him, is a Traitor.

Treason done by Sea.

As to this Matter at Common Law, the Person was to be tried in that County where he had Lands; but now by the Statute of 35 H. 8. c. 2. it may be tried in B. R. or in any County where the King appoints, and so shall Treason committed on the Sea; and this is by Virtue of the Statute of 28 H. 8. c. 15. tho' by the Civil Law it must be tried before the Admiral.

(5) Counterfeiting the Great Seal.

Compassing to do it, is not Treason, for it must be actually counterfeited, and it must be like the Great Seal.

If the Chancellor put the Seal to a Patent without a War-rant, this is no Treason now, but it was otherwise before the Making this Statute, as appears by the old Lawyers, *Briton* and *Bracton* who wrote before that Time.

Putting the Great Seal to another Patent, is not Counterfeiting (as my Lord *Coke* says) but a great Misprision; and this was one *Leak's* Case, who glewed two Parchments so close that it could not be perceived, and put a Label through both, and upon the uppermost he wrote a Patent, and got the Great Seal affixed to the Label; then he took off the written Parchment, and left the Label hanging to the Blank; this was held to be a Misprision.

But I can see no Reason why it ought not to be High Treason, because it produceth the same Mischiefe with Counterfeiting, which is so; and if it creates the same Mischiefe, it should in Reason have the same Punishment.

Those who aid and consent to Counterfeiting, are within this Statute.

But the Counterfeiting of the Privy Signet is not Treason within this Act, but it is declared so to be by a subsequent Statute, viz. by 1 & 2 Ph. & Mar. c. 11.

2 Roll. Rep. 51.

One *Robinson* counterfeited the Privy Seal, but he omitted some Words in the Style, and added other Words, on Purpose that there might be a Difference between the true Seal and the Counterfeit; he likewise counterfeited a Grant, and by the Help of this counterfeited Privy Seal, he obtained the Great Seal to his Patent: This was declared to be High Treason, for having collected Money by these Counterfeits, he had usurped Regal Authority.

The Coin.

To forge the Coin was Treason at Common Law, tho' the Offender did not utter it; and to counterfeit it, is made so by this Statute.

But *Clipping, Washing, Filing, &c.* was no Counterfeiting it within this Statute; it was made High Treason by a subsequent

quent Act of Parliament, viz. by 5 *Eliz.* c. 11. but it was no Corruption of Blood, or Loss of Dower.

It is only the proper Money of this Nation; but now What is Mo- Forging or Counterfeiting any Foreign Money, if made Cur- ncy. rent here by Proclamation, is High Treason. *Per 1 Mar.* c. 6.

And forging it, if not current here, is a Misprision of Treason in the principal Forgers, their Aiders and Abettors, 14 *El.* c. 3.

It must be counterfeit and made in Imitation of *English* Mo- (6.) Bringing ney, and brought from Foreign Parts not within the Dominion Counterfeit Money into of the King. the Realm.

It must not barely be uttered here, but it must be brought in and uttered by one and the same Person; if so, 'tis Treason.

By the Statute of 7 *Will.* c. 3. some Alterations are made Trial. 7 W. c. 3. in Trials of Traitors; for before that Statute, Men were committed for Treason, and Friends were not suffered to come near them; they had neither Pen, Ink, or Paper, and did not know for what Treason they were committed, or by whom accused; if by Chance any Person advised them without Leave of the Court, he was punishable; and if upon Arraignment the Prisoner desired Counsel upon any Point of Law, those Counsel must be ready to argue it *instantly*, and the Court did give Judgment as soon.

'Tis true, he had Liberty to except against any of the Jury, but that could be no Advantage to him, because he never had a Copy of the Panel to consider against whom to except.

When he produced any Witnesses, they were not to be examined upon Oath, which (as it hath been observed) is either too great an Advantage for the Prisoner, or none at all; for if his Witnesses not sworn shall have equal Credit with those which are upon Oath, the Prisoner has too great an Advantage; but if they are not to have Credit, because not sworn, then why is he suffered to have any Witnesses on his Side?

My Lord *Coke*, so long ago as in *Anno 11 Jac.* 1. told us, 2 *Bull.* 147. That the Jesuits had slandered our Common Law in the Case of Trials of Offenders for their Lives, because they had neither Counsel, nor were their Witnesses examined upon Oath.

For Truth cannot appear but upon the Testimony of Witnesses, and therefore 'tis absolutely necessary to put the highest Obligation on them on both Sides, which is an Oath.

By this Statute it is provided, that a Person indicted for 7 W. 3. c. 3. Treason, whereby Corruption of Blood may be made, or for Misprision of such Treason, shall have a * Copy of the whole * Before he Indictment five Days before his Trial, he desiring the same; pleads, but afterwards 'tis too late. 2 *Salk.* 634. and this is that he may advise with his Counsel, by two of whom he may make a full Defence, and his Witnesses shall be upon Oath: He is to pay for his Copy not exceeding

Treason.

§ 5. but he is not to have the Names of the Witnesses for the King.

That no Man shall be indicted, tried, or attainted of such Treason or Misprision, &c. but upon the Oath of two lawful Witnesses, who shall both speak to the same Overt-Act of Treason, or to different Acts, but of the same Treason, unless the Party is mute, refuseth to plead, or challengeth above 35 peremptorily, or confesseth his Fault.

But such Offender may be outlawed, and if attainted by Outlawry, yet he may come in and be tried by Law after such Outlawry, and he shall upon his Trial have the Benefit of this Act.

And where distinct Treasons of divers Kinds shall be alledged in one Indictment, one Witness to one Species of Treason, and another Witness to another, shall not be two Witnesses within the Meaning of that Law, and no Evidence shall be given of an Overt-Act, unless expressly laid in the Indictment.

The Prosecution must be within three Years after the Offence committed, except it be for a Treason in designing or attempting the Assassination of the King.

No Indictment, &c. shall be quashed for Mis-writing, or for false or improper *Latin*, unless Exception be taken to the same before the Evidence given in Court; neither shall any such Matter be a sufficient Cause to arrest the Judgment after Conviction, yet it may be reversed by Writ of Error.

When a Peer is tried, all the Peers who have a Right to sit and vote in Parliament, shall be summoned twenty Days before the Trial. They must take the Oaths.

But the Act doth not extend to any Indictment for counterfeiting the Coin, the Great Seal, &c.

Overt-Act.
2 Salk. 641.
Cro. Car. 117.

Charnock was indicted for High Treason, and at his Trial the Question was, Whether *Words* could be an Overt-Act of *Compassing the Death of the King*: Adjudged that *loose Words*, without any Relation to the Act it self, could not, but *Words of Persuasion* to kill him are Overt-Acts of Compassing his Death; so is Consulting how and in what Manner to kill him; it is the *bare Imagination* which makes the Treason, and any external Act, which may be a Manifestation of such Imagination, is an Overt-Act.

8 & 9 W. c. 26.
Made perpetual by 7 A.
c. 24.

Any Person mending a *Punchon* (except such as are employed in the Mint) *Matrix*, *Stamp*, &c. or other Materials by which the Figure of the current Coin shall be made or impressed, or making any *Edger*, or Instrument for making Letters round the Edges, resembling the coined Money, or buying or selling, or knowingly having in his House or Possession any such Tool or Instrument, they and their *Aiders* and *Abettors* shall be guilty of High Treason.

Con-

Conveying any of the said Instruments out of the King's Mints, guilty of the same Offence.

Edging any diminished Coin, or counterfeit Coin, like Edges coined at the Mints, Treason.

Colouring or gilding Coin, resembling the current Coin, &c. High Treason in them, their Aiders and Abettors.

Punchon or Dye in the Possession of any one not employed in the Mint, or not having it by lawful Authority, may be seized and carried to a Justice, &c. to be produced in Evidence against the Person, and then to be destroyed by the Court, or some Justice.

Counterfeit Money, after produced in Evidence, shall be destroyed, &c.

Blanching Copper for Sale, or mixing blanched Copper with Silver, or putting off counterfeit milled Money at a lower Rate than the same is denominated. Felony.

This Act shall not extend to make any Corruption of Blood, or Loss of Dower.

The Trials for these Offences shall be in such Manner as is used against Offenders for counterfeiting the King's Coin.

* No Prosecution, unless within three Months after the Offence.

* Per 7 A. c. 24. enlarged to six Months.

A Man was attainted of Treason upon this Statute, and the Corruption of Blood being saved, the Question was, Whether he had forfeited his Estate, because in Attainders of Felonies, the Forfeiture to the Lord is by way of Escheat, *pro defectu Tenentis*, and there can be no Tenant, because the Corruption of Blood works an Incapacity to make the Estate descend? But there the Corruption of Blood is saved, so that there may be a Tenant, because the Estate may descend, and there is nothing to hinder it.

But it was adjudged in the House of Lords, That in Treason it is otherwise; for upon Attainders of Treason, the Lands come to the King not as Escheat, but as an immediate Forfeiture, which is a distinct Penalty from the Corruption of Blood; so that the Corruption, &c. may be saved, and yet the Forfeiture remain: And this was Baron Lovell's Case, who had a Grant of his Lands from the King.

Indictment for Treason must be found in that County Dy. 286. b. where the Fact was done, which may afterwards be removed into B. R.

If it is for levying War, conspiring the Death of the King, 3 Lev. 396. or adhering to his Enemies, it must conclude *contra Ligeantiae sue debitum* (contrary to his due Allegiance), else 'tis not sufficient, tho' the particular Facts set forth therein do shew that what was done by the Offender was against his Allegiance; this was Mr. Walcot's Case, who was executed for High Treason; and his Attainder was reversed in the House of Lords by one Vote.

2 Salk. 630.

* The Word Naturalis need not be inserted because Allegiance is the Genus and all Species of Allegiance shall be comprized.
2 Salk. 633.
4 & 5 Annæ, c. 8.

6 Annæ, c. 7.

So where one *Tucker* was attainted of Treason for being in the Rebellion with the *Duke of Monmouth*, and upon a Writ of Error brought, the Error assigned was that *Contra * Ligeantiae suæ debitum* were left out of the Indictment, and that there could be no Treason where there was no *Allegiance*, therefore an *Alien Enemy* cannot be guilty of Treason. It is true, this Indictment was that *Tucker ligeantiae suæ debitum minime ponderans* (not regarding his due Allegiance) did wage War, but a Man may not consider his Duty, and yet not act against it; it is true likewise that there are some Indictments where these Words are omitted, but these are Indictments for Treasons made so by particular Statutes, and not where the Fact was Treason in its Nature.

There is likewise another Treason made by the Act, *For the better Security of her Majesty's Person and Government, &c.* and that is, If any Man after the 25th of March 1706, shall maliciously, advisedly, or directly, by *Writing* or *Printing*, declare or affirm, That the Queen is not lawful Queen, or that the pretended *Prince of Wales* hath any Title to the Crown, or that any other Person hath a Right to it, otherwise than according to the Acts of Settlement made 1 & 2 *Will.* or that the Kings and Queens of *England* are not able, by the Authority of their Parliaments, to make Laws sufficient to limit and bind the Crown of this Realm, shall be guilty of High Treason; and being thereof convicted and attainted, shall suffer Death, and all Losses and Forfeitures as in Cases of High Treason.

And if any one, by *Preaching, Teaching, or advised Speaking*, shall declare, maintain and affirm as aforesaid, such Person being lawfully convicted shall incur the Penalty of a *Premunire*.

But if the Prosecution be for Words, there must be Information given of such Words upon Oath, to one or more Justices of Peace within three Days after the Words are spoken; and then the Prosecution must be within three Months after such Information; and the Conviction must be by Oath of two credible Witnesses.

One *Fitzpatrick* was committed to *Newgate* by the Privy Council for aiding Colonel *Dorrington* to escape out of the *Tower*, being committed there for High Treason; but there being no Prosecution against him, and a Sessions past since his Commitment, he was bailed.

The Form of a *Mittimus*.

To the Keeper of the common Gaol, &c.

Suffex, to **I** Send you herewith the Body of T. R. who was
arrested, brought before me this present Day, and charged
with High Treason: These are therefore to command you to
take the said T. R. into your Custody, and himself to keep in
your Gaol, 'till he shall be from thence delivered by due Course
of Law. Given under my Hand and Seal, &c.

Then the Justice must take a several Recognizance of every
Witness to appear at the Assizes, and give Evidence against
the Prisoner.

In High Treason there are no Accessaries, but all are Prin- Accessaries.
cipals; and therefore my Lord Coke tells us, That what will
make a Man accessary to a Felony before the Fact, the same
will make him a Principal in High Treason.

Petty Treason.

THIS consists in three Particulars, by the Statute of
23 Ed. 3.

1. Where a Servant killeth his Master.
2. A Wife killing her Husband, or joining to kill him.
3. Ecclesiastical Person killing his Ordinary.

This extends likewise to the Mistress who hath no Hus- 1. Servant kil-
band, and to the Wife of the Master. ling his Master.

If a Servant hath Malice against his Master whilst he is in
his Service, and afterwards being out of his Service killeth
him, this is Petty Treason; but killing him upon a sudden
Quarrel is Manslaughter.

Tho' the Servant is but thirteen Years of Age, it is Petty
Treason; so if he procure another to kill his Master, and he
doth it in his Presence, 'tis Petty Treason in the Servant, and
Murder in the other. *Plowd.* 100.

So where the Servant intends Murder to another, and the
Master is killed.

If

2. Wife killing her Husband.
Cro. Car. 331,
382.
W. Jones, 425.

If she procure another to murder her Husband, she is only Accessary, unless she was present in the House when the Fact was committed, though not in the same Room, and she shall be hanged, and not burnt, because she, as Accessary, cannot be guilty of Treason, where the Principal is guilty of Murder; but if the Person procured is a Servant, then 'tis Petty Treason in both.

If she poison an Apple with an Intent to kill a Stranger, and the Husband eats it and dies in a Year, it is Petty Treason.

If she and another, not being her Servant, kill the Husband it is Petty Treason in her, and Murder in the other.

Petty Treason doth suppose a Trust and Obedience in the Offender, which is either Civil, as in the Cases above mentioned, or Ecclesiastical, as between the Ordinary and his Clerk.

But this Statute shall not be construed according to Equity; and therefore, if the Son killeth the Father or Mother, it is not Petty Treason, unless he was a Servant receiving Wages, as well as a Son.

Aiders, Abettors and Procurers, are adjudged to be within this Act.

An Indictment against a Servant for killing his Master.

Middlesex, **T**HE Jurors for our Sovereign Lord the King to wit, upon their Oath present, That W. G. of W. in the County aforesaid, Labourer, on the twenty-first Day of March in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. in the Mansion-house of W. N. situate at H. in the County aforesaid, with Force and Arms, that is to say, with a certain Knife of the Value of four Pence, which he the said W. G. then and there held in his right Hand, did wilfully, feloniously, and of his Malice forethought, make an Assault upon the said W. N. being then his Master, and in the Peace of GOD, and of our said Lord the King, and did feloniously and traiterously at H. aforesaid in the said County, strike and wound with the said Knife the said W. N. being then his Master, and did feloniously, traiterously, and of his Malice forethought, at H. aforesaid in the said County, give to the said W. N. one mortal Wound with the said Knife upon the right Part of his Belly, of the Length of two Inches, and of the Depth of one Inch, of which said mortal Wound the said W. N. at H. aforesaid in the said County languished, and languishing lived from the said twenty-first Day of March in the Year above-mentioned, to the

eighth Day of April next ensuing, on which said eighth Day of April in the same Year above-mentioned, the said W. N. at H. aforesaid in the said County died of that mortal Wound, and so the Jurors aforesaid upon their said Oath say, that the said W. G. on the eighth Day of April aforesaid in the said ninth Year above-mentioned at H. aforesaid in the said County, did wilfully, feloniously, traiterously, and of his Malice forethought, kill and murder the said W. N. in Manner and Form aforesaid, against the Peace, &c. and that one A. B. of H. aforesaid in the said County, Yeoman, before the Treason aforesaid done by the said W. G. as is before related, that is to say, on the twenty-seventh Day of March in the same ninth Year above-mentioned at H. aforesaid in the said County, did feloniously aid, abet and procure the said W. G. to commit the said Treason in Manner aforesaid, against the Peace, &c.

Against a Wife for murdering her Husband.

Suffex, to THE Jurors, &c. That E. N. late of H. in the County aforesaid, Widow, the late Wife of R. N. late of H. aforesaid in the said County, Gent. not having GOD before her Eyes, but being seduced by the Instigation of the Devil, contrary to the matrimonial Contract, and contrary to the Love, which she the said E. N. ought to bear to the said R. N. her late Husband on the twenty-first Day of March in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. at H. aforesaid in the said County with Force and Arms, that is to say, with a certain Knife of the Value of four Pence, which the said E. N. then and there held in her right Hand, did wilfully, feloniously, and of her Malice forethought, make an Assault upon the said R. N. her Husband, then and there being in the Peace of GOD and of our said Lord the King, and did feloniously and traiterously at H. aforesaid in the said County, strike and wound with the said Knife the said R. N. her Husband, and did feloniously (&c. as in the former Precedent to the End.)

Misprision

Misprision of Treason.

THIS is when one *knoweth* of any Treason, and conceals it; but it must be a *bare Knowledge* only; for if the Person consents to the Treason, he is a Traitor.

Therefore the Party ought, as soon as may be, to reveal it to some Magistrate.

But receiving a Traitor, and comforting him, knowing him to be such, he is a principal Traitor himself.

If one knowing upon what Design Persons meet, and hear them discourse of Treason, though he says nothing himself, or doth any A& towards it, yet this is Treason; for it is more than a Concealment; because, by his Silence, he gives Consent to what was then doing.

But if he did not know upon what Design they met, and he casually hears their traitorous Discourses, and says nothing, and never comes again to their Consultations, this Concealment is only Misprision of Treason; but if he comes into their Company again, and hears their Discourses, and then conceals it, this is High Treason, for it sheweth his Approbation of their Design: And this was Sir *Everard Digby's* Case, who was present at the Powder-Treason, met with the Traitors and heard their Discourses, but neither said or acted any Thing. For to make Misprision of Treason there must be *Knowledge* of the Design, (as already hath been observed) and of the Persons, or some of them, and likewise a Concealment of it, for a Man cannot be said to conceal what he doth not know; and therefore, if I tell a Man, that there will be a Rising at such a Time, and do not mention the Persons who are to be in Arms, or the Nature of the Plot, and this is concealed by that Person to whom I told it, it is but Misprision of Treason, because he hath no Knowledge of the Treason it self.

But if a Man knows the Conspirators, and then in general Discourse tells the People there will be a Rising, and doth not discover the Plot, or the Traitors, this is Misprision of Treason; for notwithstanding such general Discourse, he conceals both the Treason and Traitors. The safest Way in these Cases, would be to discover the Treason to some Magistrate; for if to a Person who hath not Authority to take an Examination, it may be a Question, Whether such a Discovery will acquit him from Misprision of Treason? *Kelynge* 22.

The Statutes, which relate to High Treason and Misprision of Treason, are as follow, viz. 25 *Edw. 3. stat. 5. chap. 2.* wherein is declared which Offences shall be adjudged Treason; 26 *Hen. 8.*

26 Hen. 8. cap. 13. gives a Particular of Treasons since expired or repealed; 28 Hen. 8. cap. 15. is concerning Pirates; 33 Hen. 8. cap. 20. shows how Treason committed by a Lunatick shall be punished; and in what Manner he shall be tried; 35 Hen. 8. cap. 2. concerns the Trial of Treasons committed out of the King's Dominions; 5 & 6 Edw. 6. cap. 11. is for the Punishment of divers Kinds of Treasons, but the particular Treasons by this Act, which were not so by the 25 Ed. 3. are expired, or repealed by the Stat. of 1 Mar. cap. 1. 1 Mar. sess. 1. c. 1. is for repealing and taking away certain Treasons, Felonies, and Cases of *Præmunire*; 1 Mar. sess. 2. cap. 6. concerns the Counterfeiting of strange Coins, being current within this Realm, the Queen's Highness, Sign Manual, Signet or Privy Seal; 1 & 2 Phil. & Mar. cap. 10. makes certain (new) Offences Treason; and cap. 11. is for the Punishment of the bringing in of the counterfeit Coins of foreign Realms, being current within this Kingdom; 1 Eliz. cap. 1. is to restore to the Crown the antient Jurisdiction over the Estate Ecclesiastical and Spiritual, and for abolishing all foreign Powers repugnant to the same; 5 Eliz. cap. 1. is for the Assurance of the Queen's Royal Power over all Estates and Subjects within her Dominions; and cap. 11. is against the Clipping, Washing, Rounding, Filing of Coins.

13 Eliz. cap. 2. is against the Bringing in and putting in Execution of Bulls, Writings or Instruments, and other Superstitious Things from the See of Rome; 14 Eliz. cap. 3. is against the Forging and Counterfeiting of foreign Coin, being not current within this Realm; 18 Eliz. cap. 1. is against the Diminishing and Impairing of the Queen's Majesty's Coin, and other Coins current within this Realm; 27 Eliz. caps. 2. is against Jesuits, Seminary Priests, and other such like disobedient Persons; 3 Jac. 1. cap. 4. is for the better Discovering and Repressing of Popish Recusants; 1 Will. & Mar. cap. 8. is for the Abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths; 7 Will. 3. cap. 3. is for the Regulating of Trials in Cases of Treason and Misprision of Treason; 8 & 9 Will. 3. cap. 25. is for the better preventing the Counterfeiting the current Coin of this Kingdom; 9 Will. 3. cap. 1. is against Corresponding with the late King James, and his Adherents; 13 & 14 Will. 3. cap. 3. is for the Attainder of the pretended Prince of Wales of High Treason.

1 Ann. cap. 9. is for punishing of Accessaries to Felonies and Receivers of stolen Goods, and to prevent the wilful Burning and Destroying of Ships; and cap. 17. is for enlarging the Time for taking the Oath of Abjuration, &c. &c. 3 & 4 Ann. cap. 14. is to prevent all traiterous Correspondence with her Majesty's Enemies; 7 Ann. cap. 4. is for

Disposition of Treason. Treasurer, &c.

for punishing Mutiny and Desertion, &c. and *cap.* 21. is for Improving the Union of the two Kingdoms; and *cap.* 25. is for making perpetual an Act for the better preventing the Counterfeiting the current Coin of this Kingdom; and *1 Geo.* 1. related to the Trial of such Persons as had or should levy War against his Majesty.

Treasurer of the County-Stock.

THE County-Stock is for Relief of the Prisoners in the Gaols, and for maimed Soldiers.

The Money is usually collected by the Church-wardens of every Parish in the County, who are to pay it over to the High Constables ten Days before every Quarter-Sessions, and the High Constables are at the Sessions to pay the Treasurer the Money collected for maimed Soldiers, but that collected for Gaols is to be paid quarterly to the Knight-Marshall in such Sums as the Justices of Peace shall think fit.

In Default of Payment of the Gaol-Money, the High Constable forfeits 20 s. every Time, and 40 s. for the maimed Soldiers Money.

If the Default is in the Church-wardens and Petty Constables, then for Gaol-Money they forfeit 10 s. and for Soldiers Money 20 s. each Time; which Forfeitures are to be levied by the Treasurer, by Distress and Sale of the Goods of the Defaulter.

The Treasurer himself is to be chosen at Easter Sessions by the Majority of the Justices of the Peace, and is to continue but for one Year, and then at the next Easter Sessions to give up his Accounts to his Successor.

And if he refuse the Office, or, having accepted it, to give Relief or Account, the Justices in Sessions may fine him, but not under three Pounds. 43 Eliz. 3.

Trees. See Hedge-breakers.

Turnpikes. See Highways.

Trial.

Trial. See Jurors.

THE Trial of an Alien, who lives here under Protection of the Laws, if it be for Treason, it shall not be *per medietatem Linguae* (i. e. the Jurors half Denizens and half Aliens); but it is otherwise in Petit Treason, Murder or Felony. 1 & 2 Ph. & Mar.

But such a Trial *per medietatem Linguae*, is not to be allowed *ex Officio*, or *ex debito Justitiae*, but at the Instance of the Party; for if he doth not desire it, it is to be at Common Law by a Jury of English Men.

If a Man commits Treason in Ireland, he may be tried here; and this was *O-Rork's Case*.

By the Statute of 33 H. 8. it is enacted, That if a Person is examined by three of the King's Council, upon Treason, Murder, &c. and confesseth it, or is suspected by the Council to be guilty; in such Case, the King, by a special Commission, may have the Offender tried in any Place.

One *Grevel* was examined before the Council as Accessary to a Murder in *Warwickshire*; and it was adjudged, That he should be tried there, because he was examined as an Accessary, and not for the Murder it self.

But regularly Indictments must be found in the proper County, and the Trial must be by Jurors of that County.

Stroke in one County, and Death in another, the Offender shall be tried where the Party died. 2 & 3 Ed. 6. c. 24.

A Trial cannot be had the same Sessions in which the Party is indicted, unless in criminal Cases, and that is *in favorem Libertatis* (in Favour of Liberty).

But then the Offender must be in Custody; but this seems not to be agreeable to Reason, that a Criminal should have a longer Time allowed him to advise in trivial Matters, than in those which concern his Life.

Yet the Defendant was indicted and tried the same Sessions for a *Barretry*, and held good, because he appeared; and in such Case, upon his Appearance, he may be tried as well then as afterwards.

Tunnets. See Dogs.

Vagrants.

Vagrants and Vagabonds.

12 A. c. 23.

THE old Statutes 39 *Eliz. c. 4.* and 1 *Jac. c. 7.* relating to Vagrants, are now repealed by the Statute 12 *Annæ, c. 23.* and so much of the Statute 7 *Jac. 1. cap. 4. sect. 5.* which relates to the *privy Search*; and by this new Act several Alterations have been made, which may be reduced under the following Heads:

- (1) The Description of a Rogue and Vagrant.
- (2) His Apprehending and Examination.
- (3) His Punishment.
- (4) The Place where he is to be sent.
- (5) The Pass, Certificate, and Manner and Charge of passing him.
- (6) The Binding a Vagrant Apprentice.
- (7) The Punishment of a Master of a Ship bringing over a Vagrant from the Plantations, &c.
- (8) Beggars in Streets, and Furious and Lunatick.

(1) Description of a Rogue.

To wit, A *Rogue* is described as by the former Statutes, only some Persons are added, and some are omitted.

Able-bodied
Men.

} See Labourers *postea*.

Egyptians.

—Or wandering as such.

Bearwards,

—Per 21 *Jac. 28.*

Beggars,

—Using any subtle Craft.

Craft,

—21 *Jac. c. 28.*

Fencers,

—Per *Stat. Annæ*, called Minstrels.

Fidlers,

—Or, like crafty Science.

Fortune-Tellers.

—Unlawful, using them.

Games,

—21 *Jac. c. 28.*

Glas-men,

—Wandering and Begging.

Idle Persons,

} Wandering, per *Stat. 7 Jac. c. 4.* not wandering.

Juglers,

} All able-bodied Men who run away, and leave their Wives and Children to the Parish; and not having otherwise to maintain themselves, loiter and refuse to work for the usual Wages.

Labourers.

} All able-bodied Men who run away, and leave their Wives and Children to the Parish; and not having otherwise to maintain themselves, loiter and refuse to work for the usual Wages.

Vagrants and Vagabonds.

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Palmeſtry,
Patent-Ga-
therers.

} Pretending to it.

Pedlars,
Petty-Chap-
man.

} By the former Statutes, but now omitted.

W. B. was indicted at *Portsmouth*, for that he being an idle Person did wander in that Town selling Wares as a *Petty-Chapman*, and upon a Demurrer to this Indictment it was insisted to maintain it that a *Petty-Chapman* is a Vagabond by the Statute 39 *Eliz. c. 4.* 'Tis true; by the * Statutes which are subsequent, some *Petty-Chapmen*, (*viz.*) such as are qualified by those Statutes, may follow that Occupation, but not in *Borough Towns or Corporations*; so those Statutes do not give them Liberty to trade in such Places; but adjudged that a Vagabond *quatenus* such was not indictable, because at Common Law a Man might go where he would; but if he is an idle or loose Person, he might be taken up as a Vagrant, and bound to his Good Behaviour, and might be compelled to Work by the Statute of Labourers: This Indictment was quash'd.

^{2 Salk.}
^{Mod. Cases}
^{240.}

Physiognomy,—Pretending to it.

Players, —21 *Jac. c. 28.*

Seamen,

Soldiers,

Tinkers.

} By former Statutes, but now omitted.

Those who are excepted out of this Act, are Soldiers and Mariners, and Sea-faring Men, licensed by some Testimonial or Writing, under the Hand and Seal of a Justice of Peace, setting down the Time and Place of Landing, and to which they are to pass in the direct Way.

The Form of the License.

To all Constables, Headboroughs, &c. in the County of, &c.

WHereas it appeareth unto me, That *R. B. Mariner*, did on the fifth Day of this instant May, land at *D.* in the County aforesaid; and is travelling towards *P.* in the County of *D.* I do therefore license him to pass the direct Way through this County from *D.* aforesaid toward *P.* in the County of, &c. that being the Place to which he desires to pass, and that you do not disturb or molest him in his said Passage, he demeaning himself orderly; this License to be in Force for the

Vql. II.

R

Space

Vagrants.

*Space of nine Days, within which Time he may travel thither;
Given under my Hand and Seal this fifth Day of May, &c.*

(2) The Duty
of a Constable
in taking a
Vagrant.

Any Person who falls under either of the Descriptions before-mentioned, being found wandering, begging, or misordering himself, any Officer or Inhabitant may apprehend him, and carry him before a Justice of Peace; and if a Constable neglects or refuses to apprehend him, 'tis a Neglect of his Duty.

If an Inhabitant charged by a Justice, or any other lawful Authority, refuses or neglects, he forfeits 10 s. the Conviction to be by one Witness, before one Justice upon Oath; the Penalty to be levied by Distress and Sale of his Goods, to the Use of the Poor of the Parish where the Offence was committed.

Any Person apprehending a Rogue or Vagrant, and bringing him before a Justice of Peace, shall have 2 s. paid to him by the Officers of the Parish where he was found begging, and thro' which he passed unapprehended; this must be by an Order under the Hand and Seal of the Justice.

The Constable or Officer refusing to pay the 2 s. on Demand, the Justice by Warrant under his Hand and Seal, may levy 20 s. by Distress and Sale of his Goods, and out of it allow the Person apprehending, the 2 s. and such other Recompence for his Trouble, Charge, and Loss of Time, as he thinks fit.

The Justice before whom a Rogue or Vagrant is brought, may examine him on Oath, or any other Person who can inform him of the Place of his Abode or Birth, which Examination must be subscribed by the Person examined, and it must be transmitted to the Sessions.

The Person who refuses to be examined on Oath, or who gives an insufficient Account, and is detected of Falsity, in a summary Way, shall be deemed an incorrigible Rogue.

Constable or other Officer failing in his Duty in apprehending or conveying Rogues or Vagrants, or otherwise defective in the same, or any Person disturbing him in the Execution of his Office, or rescuing, or assisting in the Escape, being convicted by the View of the Justice, or Oath of one Witness, forfeits 20 s. to the Use of the Poor of the same Parish, to be levied by Warrant, by Distress and Sale of Goods, &c.

The Form of a Warrant to levy 20 s. for
not apprehending a Rogue.

To the Constable, &c.

Suffex, to **W** Hereas it was duly proved before me R. B. Esq; one of his Majesty's Justices of the Peace, That several Persons were lately wandering and begging in the Parish of H. in the County of, &c. and that due Notice thereof was given to J. O. then Headborough of the said Parish, but that he neglected or refused to apprehend the said wandering Beggars, and to carry them before the next Justice of Peace, as by Law he ought, by Reason whereof he hath forfeited the Sum of 20s. These are therefore to require you to levy the said Sum of 20 s. upon the Goods and Chattels of the said J. O. by Distress and Sale thereof, rendering to him the Overplus, if any such shall be, and that you pay the same to the Churchwardens or Overseers of the Poor of the Parish of H. aforesaid, where the said Offence was committed, for the Use of the Poor of that Parish. Given, &c.

The Form of the Order for the Payment
of 2 s. for taking a Rogue, &c.

To R. B. Headborough of the Parish of, &c.

Suffex, to **W** Hereas it appeareth unto me, That T. B. a Vagrant, did beg and wander in the Parish of M. in the County of, &c. and passed through the said Parish unapprehended, and afterwards was taken in the Parish of B. in the County, &c. by J. O. an Inhabitant of the said Parish of B. wandering and begging there, and was by him brought before me R. B. Esq; one of his Majesty's Justices of the Peace for the said County, in order to be examined and punished as by Law he ought. Now I do hereby order the Headborough of the said Parish of H. through which the said T. B. passed unapprehended as aforesaid, to pay unto the said J. O. who afterwards did apprehend him, the Sum of 2 s. on Demand. Given under my Hand and Seal, &c.

A Warrant to levy 20 s. on the Headborough refusing to pay 2 s.

To the Constable, &c.

Suffex, to **W** Hereas by an Order under my Hand and Seal, wit, I did lately appoint R. R. the Headborough of the Parish of H. in the County of, &c. to pay unto J. G. the Sum of 2 s. for apprehending T. B. a Vagrant in the Parish of B. in the County of, &c. where he was taken by the said J. O. wandering and begging, who was also before that Time wandering and begging in the Parish of H. through which he passed unapprehended, which said 2 s. being lawfully demanded of R. R. the Headborough of the said Parish of H. he refused to pay the same. These are therefore pursuant to the Law in that Case made and provided, to require you forthwith to levy the Sum of 20 s. upon the Goods and Chattels of the said R. R. by Distress and Sale thereof, out of which I do hereby allow unto the said J. O. who apprehended the Vagrant as aforesaid, the Sum of 2 s. and likewise 10 s. more for his Trouble, Loss of Time, and Expences, which said respective Sums you are forthwith to pay unto him, and to render the Overplus to the said R. R. and hereof fail not. Given under my Hand and Seal, &c.

A Warrant to levy 10 s. upon an Inhabitant, refusing to apprehend a Rogue, being lawfully charged.

To the Constable, &c.

Suffex, to **W** Hereas J. O. an Inhabitant of the Parish of wit, H. was duly and lawfully charged to apprehend a Rogue, who resorted to the House of W. N. in the said Parish of, &c. and did beg there, but the said J. O. did refuse to apprehend the said Rogue, of which said Offence the said J. O. hath been lawfully convicted before me, by Reason whereof he hath forfeited 10 s. These are therefore to require you forthwith to levy the said Sum of 10 s. upon the Goods and Chattels of the said J. O. by Distress and Sale thereof, rendering to him the Overplus, if such shall happen to be, and that you pay the said 10 s. to the Church-wardens or Overseers of the Poor of the said Parish of H. where the said Offence was committed, for the Use of the Poor thereof: And hereof fail not. Given, &c.

The

The Person who hath a legal Settlement, as well as a ⁽³⁾ The Punishment of a Vagrant. Rogue or Vagrant who hath not, if found *begging*, &c. may be ordered by a Justice to be whipped, or sent to the House of Correction, and then, and not before, sent either by an Order to the Place of his last Settlement, or if that cannot be known, by a Pass to the Place of his Birth.

If he is a *dangerous Rogue*, he may be sent to the House of Correction till the next Sessions; and then if the major Part of the Justices adjudge him an *incorrigible Rogue*, he shall be whipt three Market-Days successively in some Market-Town, and afterwards kept to hard Labour in the House of Correction, and if he escape from thence after a Commitment by the Sessions, 'tis Felony, and to be determined in the County where he shall be taken.

The *Mittimus* before a Vagrant is sent by an Order or Pass.

To the Constable, &c. and to the Keeper of the House of Correction, &c.

Suffex, to **I** Send you herewithal the Body of T. P. a Vagrant, wit, who was found wandering and begging this Day in the Parish of H. in the County of, &c. and brought before me R. B. Esq; &c. and you are hereby required to receive him into your Custody, and to keep him to hard Labour in your House of Correction, until he shall be lawfully discharged from thence. Given under my Hand and Seal, &c.

Justices within their respective Jurisdictions may commit 6 Geo. c. 19. Vagrants and other Criminals charged with small Offences, sect. 2. either to the common Gaol or House of Correction, as they in their Judgment shall think proper.

A *Mittimus* for a dangerous Rogue.

To the Constable of, &c. and to the Keeper of the House of Correction, &c.

Suffex, to **I** Send you herewithal the Body of J. O. a Vagrant, wit, who was found wandering and begging this Day in the Parish of H. in the County of, &c. where he was apprehended and brought before me for the said Offence; and upon his Examination and other Circumstances, I have just Cause to believe the said J. O. to be dangerous to the People, and very unlikely

Vagrants.

unlikely to be reformed: You are therefore to receive the said J. O. into your Custody, and there keep him to hard Labour until the next Quarter-Sessions of the Peace to be held for the County of, &c. And hereof fail not. Given under my Hand and Seal, &c.

(4.) The Place where a Vagrant is to be sent.

If he hath any legal Settlement since his Birth, he must be sent thither by an Order of two Justices. If no such Settlement can be found, then he must be sent by a *Pass* by one Justice to the Place of his Birth: But if under fourteen Years, and he hath Father and Mother living, then to the Place of Abode of such Father and Mother, in Case such Place of Birth or Abode can be known; but if it cannot be known, then to the Parish where he was last found begging or misordering himself, and through which he passed unapprehended, there to be delivered to the Parish-Officer.

The Justice sending a Vagrant to the Place of his Birth, if he had any legal Settlement subsequent, forfeits 5 *l.* to be recovered by the Informer, by Action, Bill, Complaint, or Information in the Courts at *Westminster*.

2 Salk. 526.

R. W. was settled at *E.* and afterwards became a Vagrant: Adjudged that did not determine his Settlement; for by the Statute 39 *Eliz. c. 4.* he may be sent to the Place of his Birth; and by the Statute 43 *Eliz. c. 2.* he may be sent as a poor Person to the Place where he was last legally settled; but if that cannot be known, then to the Place of his Birth, so that both these Statutes are consistent.

The Parish to which a Vagrant is sent by a *Pass*, must employ him in Work till he gets a Service; refusing to work, the Overseer, &c. shall carry him before a Justice in order to be sent to the House of Correction. Parish not employing him or suffering him to escape voluntarily, if he wanders again, and is retaken begging or wandering, the Justice where he is taken shall compute the Charge the County was at in taking him, which by Warrant shall be levied on any Constable, Church-warden, or Overseer who was in Default. And if such Default was in another County, the Warrant shall be brought to a Justice in that County, who shall cause the Money to be levied for the Use of the Place or Person where such Charge shall be expended, and the Officer upon whom it is levied, may put it into his Rates, to be allowed by the Inhabitants of his Parish.

Headborough or Petty Constables not conveying a Vagrant as directed, forfeits 20 *l.* one Moiety to the Poor, the other to the Informer.

The Form of the Pass where no legal Settlement could be found since the Birth, &c.

To the Constable, &c.

Suffex, to wit, **W** Hereas A. B. being (as he informed me) about (s.) The Pass. the Age of twenty-five Years, was this Day apprehended in the Parish of H. &c. * wandering and begging * Or practising there, and was forthwith brought before me R. E. one of his Majesty's Justices of the Peace for the said County, and was by me sent to the House of Correction; and upon Examination of the said A. B. and of R. R. taken before me on Oath, it doth appear that the said A. B. was born at, &c. in the County, &c. and it doth not appear to me, that he hath obtained any legal Settlement since his Birth: These are therefore to require you to convey the said A. B. in the next direct Way to the said Parish of, &c. and there deliver him to the Constable, or other Officer of the said Parish to be there provided for according to Law. † Or that the said A. B. is under the Age of fourteen Years, and hath a Father now living and residing in the Parish of, &c.

Or that the said A. B. was found begging in the Parish of L. through which he last passed unapprehended, and the Place of his Birth cannot be discovered; and it doth not appear to me, that he hath had any legal Settlement since his Death.

If the Place be out of the County, then say, To convey the said A. B. in the next direct Way to the Parish of, &c. that being the first Town in the next Precinct; through which he ought to pass to the said Parish of, &c. to be from thence conveyed to the said Parish of, &c. And I do hereby allow the Space of seven Days for his Passing to the said Parish of, &c. Given under my Hand and Seal, &c.

Mittimus of a Vagrant to the House of Correction, refusing to work.

To the Constable, &c. and to the Keeper of the House of Correction, &c.

Suffex, to wit, **W** Hereas T. B. a Vagrant being taken wandering and begging in the Parish of H. &c. in the County, &c. was lately brought before me; and it not appearing before me, that he hath obtained any legal Settlement since his Birth, but that he was born in the Parish of L. &c.

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Vagrants.

I did therefore by a Pass under my Hand and Seal, send him from H. the Place where he was taken, the next direct Way to the Parish of L. where he was born; and he being delivered to the Officers of the said Parish of L. they would have employed him in Work, till he could get some Service or Employment; but he refused, and still doth refuse to work: These are therefore to require you to receive the said T. B. into your Custody, and to keep him to hard Labour until he shall be discharged by due Course of Law, &c.

Mittimus of a Vagrant to the House of Correction, escaping from the Place to which he was sent.

To the Constable, &c. and to the Keeper of the House of Correction, &c.

Suffex, to **W** Hereas T. B. a Vagrant was sent by a Pass
wit, from H. in the County of, &c. to the Parish
of L. in the County of, &c. and delivered to the Church-wardens of the said Parish of L. or to one of them, but did soon afterwards escape from the said Church-wardens, and was found and retaken wandering and begging in the Parish of R. &c. all which hath been duly proved before me. I do therefore herewithal send you the Body of the said T. B. requiring you to receive him into the House of Correction, and there keep him to hard Labour till the next * Quarter-Sessions of the Peace to be holden for, &c.

* If he shall not then give Security for his Good Behaviour for a Year, he shall be adjudged an incorrigible Rogue, and punished as such.

A Warrant to levy the Charge upon the Parish not employing him, or suffering him to escape.

To the Constable, &c.

Suffex, to **W** Hereas T. B. a Vagrant was lawfully sent
wit, by a Pass to the Parish of L. in the County of, &c. that being the Place of his Birth, the Place of his last Settlement not being known, and being delivered to the Officers of the said Parish of L. they refused to employ him in Work, but voluntarily suffered him to escape: And whereas the said T. B. was afterwards retaken, wandering and begging in the Parish of

A Warrant to levy 20/. for not conveying
the Person to the Place where he was
sent.

Suffex, to **W** Hereas J. O. the Headborough of H. in the County of, &c. was ordered by a Pass to convey T. B. a Vagrant, from the said Parish of H. where he was taken wandering and begging, to the Parish of L. in the County of, &c. where he was born; but the said J. O. did not convey or * cause the said T. B. to be conveyed to the aforesaid * Or did counterfeit a Certificate, Receipt or Note, as the Case is. Parish of L. he being the Person really intended by the said Pass to be conveyed thither, by Reason whereof he hath forfeited 20 l. These are therefore to require you forthwith to levy the said Sum of 20 l. on the Goods and Chattels of the said J. O. by Distress and Sale thereof, rendring to him the Overplus, and that you pay one Moiety thereof unto R. R. who first informed me of the said Offence, and the other Moiety to the Churchwardens and Overseers of the Poor of the Parish of, &c. where the said Offence was committed, for the Use of the Poor of the said Parish. And hereof fail not. Given, &c.

The Justice who makes the Pafs shall at the same Time give a *Certificate* to the Officer who conveys the Vagrant ascertaining how he is to be conveyed, either by Horse, Cart, or on Foot, and to what Place, and in what Time, and what Allowance the Officer is to have.

The Form of a Certificate.

To the Constable, &c.

Suffex, to **W** Hereas by a *Pass* (recite the Substance of it)
wit, I do hereby order and direct, that the Person
 is to be conveyed thither on Foot in the Space of three Days, for
 which

Vagrants.

which the said Constable is to be allowed the Sum of 9 s. and no more. Given under my Hand, &c.*

The Constable is to pursue the Directions in the Pass, and Certificate, and pass the Vagrant the direct Way to the Place where he is ordered to be sent, if 'tis in the same County where he was apprehended; if not, then to the first Town of the County named in the Pass or Certificate, and there to deliver him to the Constable or Headborough, together with the Pass, taking a Receipt of the Delivery upon the Certificate.

Such next Constable or Headborough must forthwith carry the Vagrant before a Justice, &c. who must cause him to be stript and whipt, or sent to the House of Correction for two or three Days, and to be kept at hard Labour there.

From thence he is to be conveyed with the said Pass, but with a new Certificate to the next County, and so from County to County, till brought to the Place where first ordered to be sent.

The Constable there, &c. is to receive him, together with the Pass, and to sign a Receipt of his Delivery as aforesaid.

But no Constable is obliged to receive him, unless it appear by the Pass that he has been whipt, or sent to the House of Correction.

Women great with Child, Soldiers wanting Subsistence, and having Certificates from their proper Officers, or from the Secretary at War, and such as the Justice shall judge not able to undergo such Punishment, must not be sent to the House of Correction, or be whipt; this must be certified in the Pass.

Headborough counterfeiting a Certificate or altering the Sum, or not conveying as directed, forfeits 20*l.* besides the Sum so fraudulently taken, one Moiety to the Poor, the other to the Informer to be levied by Distress and Sale of the Goods of the Offender, by Warrant under the Hand and Seal of one Justice.

The Form of a Warrant to levy the 20*l.* for altering the Sum in the Certificate.

To the Constable, &c.

Suffex, to **W** Hereas by an Order under my Hand and Seal, wit, I did lately direct A. B. the Headborough of H. to convey J. O. a Vagrant, from the Parish of H. to the Parish of L. that being the Place of his Birth: And I did further order, That the said J. O. should be conveyed thither

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on Foot in the Space of three Days from the Date of the said Order and Certificate, and I did allow the Sum of 9s. and no more unto the said Headborough for his Charge in conveying the said Vagrant as aforesaid; which said Sum of 9s. was * altered by the said A. B. and by him made 19s. all which hath been duly proved before me, by Reason whereof he hath forfeited 20 l. These are therefore to require you forthwith to levy the said Sum of 20 l. upon the Goods and Chattels of the said A. B. by Distress and Sale thereof, rendring to him the Overplus, if any such there shall happen to be, and that you pay one Moiety thereof to H. C. who first informed me of the said Offence, and the other Moiety to the Church-wardens or Overseers of the Poor of the Parish of L. where the said Offence was committed, to the Use of the Poor of the said Parish. Given under my Hand and Seal, &c.

* Or Counterfeited the Certificate, or not conveyed the Vagrant as directed.

A Justice may examine a Constable or other Officer on Oath touching such Conveying and Delivery; and if they refuse to be sworn, or otherwise neglect their Duty, then they are to lose the Sum allowed by the Certificate.

Justices in Sessions may appoint Rates for passing, and make Orders at Discretion, and raise Money for that Purpose to be paid quarterly to the High Constables, who are to account for the same, and pay to the Petty Constables what shall be allowed by the Justices Certificate, taking a Receipt for the same. (7.) Rates for passing.

The Certificate and Receipt the chief Constable may discount in his Account with the Treasurer of the County-Stock.

Sessions likewise to which Passes are transmitted, may inquire of Defaults of Officers in permitting or encouraging Escapes, and punish the same according to the Nature of the Offence.

A Rogue brought from Ireland and apprehended here begging, may be put on Board any Vessel in Order to be reconveyed.

The Rates for Reconveying being appointed by the Sessions, the Constable must make Oath before one Justice what Expences he has been at; then the Justice by an Order under his Hand and Seal must direct the Payment. (8.) Rates for reconveying a Rogue to Ireland brought hither by a Master of a Ship.

Constable, &c. on Complaint of any two Inhabitants, is to remove loose, idle and disorderly Persons, as blind and lame, from Begging in Streets, Highways and Passages; and on their Refusal to be gone; or if they beg there a second Time, may cause them to be whipt till bloody. Beggars in Streets and Highways, viz. Lame and Blind.

Constables, &c. neglecting or refusing, for each Offence forfeits 10 s. to the Poor where the Offence was committed:

Con-

Vagrants.

Conviction is to be on Oath of two Witnesses before one Justice, within twenty-four Hours after the Offence, &c.

The Form of the Warrant against an
Headborough, for not removing the
Lame and Blind.

To the Constable, &c.

Suffex, to **W** Hereas A. B. and C. D. two of the Inhabitants of the Parish of L. did complain to W. B. the Headborough of the said Parish, in the Absence of W. A. the High Constable, that several blind Men did place themselves on the first Day of May last in the Highway in the said Parish of L. and did beg there, to the great Annoyance and Disturbance of the Passengers; and the said W. B. did not upon due Notice thereof as aforesaid, cause them to be removed, but suffered them still to continue there begging: And whereas the said A. B. and C. D. did within twenty-four Hours next after such Neglect, make Oath thereof before me R. B. Esq; one of his Majesty's Justices of the Peace for the said County of S. where the said blind Men were found begging: These are therefore to require you to levy the Sum of 10 s. by Distress and Sale of the Goods and Chattels of the said W. B. rendring to him the Overplus, if any such shall happen to be; and that you pay the same to the Church-wardens or Overseers of the Poor of the Parish of L. for the Use of the Poor thereof, that being the Parish where the aforesaid Offence was committed. Given under my Hand and Seal, &c.

Binding a Vagrant Apprentice.

If it appear to the Justice by the Confession of the Vagrant, or by the Oath of one Witness, that he had no lawful Settlement since his Birth, and that he hath committed Acts of Vagrancy, or hath been a common Beggar, or Vagrant, for two Years last past, tho' he had formerly a Settlement, or is a dangerous Rogue, then instead of punishing him, the Justice, or Justices, may bind him Apprentice for seven Years to the Person who apprehends him, or to any other Person who will receive him, and employ him in Great Britain, or in any of his Majesty's Plantations.

But if he is to be transported to such Plantations, the Master must be bound in a Recognizance of the Penalty of 40 l. that the Person shall be employed in the King's Plantations, or in a British Factory, and supplied with Necessaries fitting and convenient, and not to be sold to an Alien, but to be discharged in seven Years, which Recognizance shall be transmitted to the Quarter-Sessions.

The

The Vagrant may appeal to the next Sessions against the Order for his Apprenticeship, but must be kept in the House of Correction in the mean Time, which Appeal shall be final.

The Condition of the Recognizance.

THE Condition of this Recognizance is such, That where- Recognizance as T. B. a Vagrant, being lawfully placed as an Ap- in 40 l. prentice or Servant to the above-baunden R. R. for the Space of seven Years, and is now about to be transported beyond the Seas; If therefore the said T. B. shall be sent and imployed, during all that Time, in some of his Majesty's Plantations, or in some British Factory, and there supplied with Necessaries fitting and convenient for his Degree, and shall not be sold to any Alien; but at the End of his seven Years from the Commencement of his said Apprenticeship, shall be absolutely discharged and set at Liberty, then this Recognizance shall be void, other-wise shall remain in full Force and Virtue.

Two Justices may by Warrant cause furious and Lunatick (11.) Furious Persons to be apprehended and safely locked up; and if neces- and Lunatick. sary, then to be chained, if his legal Settlement was in that County; if not, then such Person shall be sent to the last legal Place of his Settlement, in the same Manner as Vagrants are to be sent (excepting only the Whipping) and there kept lock'd and chain'd.

Two Justices may order the Charges to be defrayed out of the Estate of the Person; and if he hath no Estate, then the Charges, during his Restraint, shall be made by such Ways and Means, as the Poor of such Parish are by the Laws in Being to be provided for.

The Warrant to apprehend a Madman.

To the Constable, &c.

Suffex, to **W** Hereas T. B. a furious and disorderly Person wit, hath been lately seen walking in the Parish of H. &c. to the great Disturbance and Frightning the People there: These are therefore to require you to apprehend the said T. B. and cause him safely to be locked up until he shall be discharged by due Course of Law. And hereof fail not. Given under our Hands and Seals, &c.

The

(12.) Master of
a Ship bringing
over a Vagrant.

The Master of a Ship bringing over a Rogue or Vagrant, or Person likely to be a Beggar, from any of the Plantations, *being a Native thereof*, and if he shall be found begging here, such Master shall forfeit 5 *l.* for every Rogue, Vagabond or Beggar so brought.

The Constable where he is found begging may cause him to be whipt, and afterwards put on Board any other Vessel in order to be sent back again.

Sessions may settle the Rate of his Passage, Constable, or other Officer, making Oath of his Expence, in taking and punishing such Vagrant, the Justice may order the Payment thereof, and also of the 5 *l.* by an Order under his Hand and Seal.

Master of a Ship neglecting or refusing to pay it upon Demand, the Justice may by Warrant levy the same by Distress of the Ship and Goods, whilst within the Jurisdiction of the Justice.

But if out of his Jurisdiction, then the Justice's Order for Payment of the Money shall be removed by *Certiorari* into the *King's Bench*; but being filed, the Court may direct Process by *Capias*, *Fieri facias*, or *Elegit*, against the Master or Owner of the Ship.

But the Master may traverse the Justice's Order, entering into a Recognizance of 50 *l.* to pay the Costs and Charges of the Traverse.

Master of a Ship refusing to take Vagrants on Board, who are to be conveyed to * *Ireland*, as being the last Place of their legal Settlement, being required to take them by a Warrant to him directed from a Justice of Peace of the County where the Ship lieth, forfeits 5 *l.* to the Use of the Poor of the Parish where the Person lieth for Transportation.

* Isle of Man,
Scilly, Jersey,
Guernsey, or
any of the
Plantations.

The Form of an Order from the Justice
to a Master of a Ship to pay 5 *l.* for
bringing a Beggar from the Plantations.

To J. P. Master of the Ship or Vessel, &c. now lying, &c.

Suffex, to **W** Hereas it hath been duly proved before me
wit, R. B. Esq; one of his Majesty's Justices of the
Peace for the County of, &c. That J. P. Master of the Ship or
Vessel, &c. now riding, &c. within the Limits of the Coun-
ty aforesaid, did lately bring into this Realm from † Virginia,
one R. W. a Vagrant, Native thereof, who since his Landing
here hath been apprehended wandering and begging in the Parish
of H. in the County of, &c. by Reason whereof the said J. P.
hath

† Or from the
Isle of Man,
Ireland, Jersey,
Guernsey, Scil-
ly, or the Plan-
tations.

hath forfeited the Sum of 5 l. Now I do hereby order the said J. P. to pay, or cause to be paid unto R. O. the Constable of, &c. the said Sum of 5 l. together with 20 s. more which by the Oath of the said R. O. it appeareth unto me, he did necessarily sustain in apprehending the said R. W. and reconveying him to Virginia, from whence he was brought as aforesaid. Given under my Hand and Seal, &c.

The Warrant for levying the 5 l. if not paid on Demand.

To the Constable of, &c.

Sussex, to **W** Hereas by an Order under my Hand and Seal, wit, directed to J. P. Master of the Ship or Vessel of, &c. now riding at, &c. within the Limits of the said County; I did appoint the said J. P. to pay unto R. O. the Constable of, &c. the Sum of 5 l. forfeited by the said J. P. for bringing over from Virginia R. W. a Vagrant and Native Or from Ire- thereof, into the Kingdom of Great Britain, which said R. W. land, Isle of was afterwards found wandering and begging in the Parish of Man, &c. H. &c. and also to pay 20 s. unto the said R. O. for his necessary Charges in apprehending the said R. W. and reconveying him back again; which said Sum, or any Part thereof, was not paid by the said J. P. being lawfully demanded of him, but the said J. P. did then, and still doth refuse or neglect to pay the same. These are therefore to require you forthwith to levy the said respective Sums of 5 l. and 20 s. by Distress and Sale of the said Ship and the Goods therein, or so much thereof as shall raise the said respective Sums, rendering the Overplus to the said J. P. And hereof fail not. Given under my Hand and Seal, &c.

The Form of a Warrant directed to the Master of a Ship to transport a Vagrant to Ireland, the Place of his Settlement, &c.

To J. P. Master of the Ship or Vessel called, &c. now riding, &c.

Sussex, to **W** Hereas T. B. a Vagrant was apprehended, wit, wandering and begging in the Parish of H. in the County of, &c. and upon his Examination and other due Proof,

* Or in any of the Plantations, as the Case is.

*Proof, it appeareth unto me, that the last Place of his lawfull Settlement was at O. &c. in the Kingdom of * Ireland. I do therefore require you to take the said T. B. on Board your Ship, now riding at, &c. within the Limits of this County, and to transport him from thence into Ireland aforesaid, and for your so doing this shall be your Warrant. Given under my Hand and Seal, &c.*

If the Master of the Ship receives him, the Constable shall pay him so much *per Head* as the Sessions shall appoint, and the Master must give a Receipt on the Back of the Warrant for the Money paid unto him for Transporting.

But if the Master refuse to take him on Board, he forfeits 5 l. to the Use of the Poor of the Parish where the Person lieth for Transportation.

The Form of the Warrant to levy the 5 l. on the Master of a Vessel, refusing to transport a Vagrant.

To the Constable, &c.

Suffex, to **W** Hereas by a Warrant under my Hand and Seal, directed to J. P. Master of the Ship or Vessel called, &c. now riding at S. within the Limits of the said County, he was ordered to take on Board his said Ship one T. B. a Vagrant, and to transport him from H. &c. to Ireland, where he was last legally settled, but the said J. P. did, and doth still refuse to take the said T. B. on Board his said Ship, and to transport him to Ireland as aforesaid, by Reason whereof he hath forfeited 5 l. These are therefore to require you forthwith to levy the said Sum of 5 l. by Distress and Sale of the said Ship and Goods therein, or so much thereof as shall raise the said Sum of 5 l. and that you pay the same to the Church-wardens or Overseers of the Poor of the said Parish of H. where the said T. B. now lieth for Transportation, for the Use of the Poor thereof. Given under my Hand and Seal.

By this new Act the Justices of every County in each Division, Riding, City, Liberty or Town corporate, or any two of them, may in some convenient Time before the Quarter-Sessions, or oftner, if Need be, meet, and by their Warrant command the Constables of every Hundred, Parish, &c. (assisted with sufficient Men of the same Place) to make a general privy Search in one Night thro' their severall Limits, for finding and apprehending Rogues, Vagabonds, and Surdy Beggars, to be brought before them, and to be examined, punished,

punished, and passed in the same Manner as the Vagrants before-mentioned.

Verdict.

IN Capital Cases, the Jury cannot be discharged before the Verdict is given.

And it must be given openly in Court, for no privy Verdict is allowed in such Cases.

But the Jury may find Matter specially, viz. If the Indictment is for Murder, they may find the Defendant guilty of Manslaughter, Chance-medley, or *Se Defendendo*; but then they must find in what Manner, that the Court may judge of the Law arising upon the Fact.

Mansell was indicted for Murder. The Foreman of the Jury said he was guilty of Manslaughter; the rest of the Jury informed the Court, that they did not agree to that Verdict. Then the Court asked *Mansell*, Whether he would be discharged of that Jury? He consented, and the Prisoner was tried by another upon the same Indictment, and found guilty of Murder, and had Judgment to be hanged.

The Verdict must be perfect; and therefore if upon the Stat. of 8 H. 6. the Jury find, viz. *Si Domus prædictæ non fuit in possessione Dom' Reg'*; then *Billa vera* (to wit, if the aforesaid House was not in the Possession of our Lord the King, then a true Bill); and this is void, for it is a conditional Verdict.

There is no Necessity of finding the Value of any Thing as laid in the Indictment: More they cannot find, but less they may.

Relating to a Peer; it was agreed by most of the Judges, that if all the Peers do not agree in their Verdict, then the Verdict of the greatest Part of them is a good Verdict, so that there be Twelve or more. *Kel. Rep. 56.*

Peers may adjourn before giving their Verdict, and need not be kept together, because they were not sworn, and for the great Trust reposed in them, and presumed to be in them, they might go to their own Houses every one by himself. *Kel. 57.*

Vicuallers and Vicuuals.

A LE-house-keeper,
Baker,
Brewer,
Butcher,

Cook,
Fishmonger,
Innkeeper,
Poulterer,

Or any other Seller of Vicuuals, if they sell at unreasonable Rates, they lose double the Value:

If they conspire or make an Agreement together to sell at no other Prices but what they agree on; the first Offence is 10*l.* or twenty Days Imprisonment; the second Offence is 20*l.* or the Pillory; the third Offence 40*l.* or Loss of one Ear. 2 *Ed.* 6. c. 15.

To sell Swines Flesh meazled, or any Flesh that died of the Murrain, or other corrupt Vicuual, is finable. *Stat. de Pistoribus*, 51 *H.* 3. c. 3.

Unlawful Assembly.

THIS is where three or more disorderly Persons meet to commit an unlawful Act, as to beat a Man, &c.

The very Meeting to do such an Act is an unlawful Assembly, tho' they depart without doing it.

It differs from a Rout; for that is such a Meeting, and moving from the Place where they first met, towards the putting the Act in Execution, whether 'tis afterwards done or not; and it differs from a Riot, for that is such a Meeting and actually putting the Thing in Execution.

But two Things must concur in unlawful Assemblies, Riots and Routs, that is, there must be three Persons or more meeting together, and there must be some apparent Disturbance of the Peace, either by Speaking, Shew of Weapons, or turbulent Gestures, or some actual Violence to disturb peaceable Men.

The old Books tell us, there are three Degrees of unlawful Assemblies; the first is from three disorderly Men to twelve; the Second is of Twelve or more; the Third of Forty or upwards.

A Justice of Peace may command a sufficient Force to suppress such Assemblies, and to apprehend the Offenders; and if any of them should be hurt or wounded in making Resistance, the Person so wounding, &c. is not to be punished; so careful

ful were our Ancestors to suppress all disorderly and tumultuous Meetings at the very Beginning, before they formed themselves into a Body.

By 1 Geo. 1. c. 6. The Justice, Sheriff, or other Head Officer is to go as near to the Place (where any unlawful Assembly is gathered) as with Safety he can, and with a loud Voice command Silence, and then is to read the Proclamation mentioned in the Act, which see before Title *Riot*, Page 122. after the Reading whereof, it shall be lawful for the Justice or other Peace-Officer to apprehend the Offenders; and where 12 or more shall continue together an Hour after, they shall be deemed guilty of Felony, without the Benefit of the Clergy.

And by the same Statute it is enacted, That if any Persons unlawfully, riotously, and tumultuously assembled together, to the Disturbance of the Publick Peace, shall unlawfully, and with Force, demolish or pull down, or begin to demolish or pull down any Dwelling-house, &c. then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged Felony without Benefit of Clergy; and the Offenders therein shall be adjudged Felons, and shall suffer Death, as in Case of Felony without Benefit of Clergy.

And it is farther enacted, That if any such Dwelling-house, &c. shall be demolished or pulled down wholly, or in Part, by any Persons so unlawfully, riotously, and tumultuously assembled, then the Inhabitants of the Hundred, in which such Damage shall be done, shall be liable to yield Damages to the Person or Persons injur'd and damnified by such demolishing or pulling down wholly, or in Part; and such Damages shall be recover'd by Action, to be brought in any of his Majesty's Courts of Record at *Westminster*, by the Person or Persons damnified thereby, against any Two or more of the Inhabitants of such Hundred; and that Judgment being given for the Plaintiff or Plaintiffs in such Action, the Damages so to be recover'd shall, at the Request of such Plaintiff or Plaintiffs, be rais'd and levy'd on the Inhabitants of such Hundred, and paid to such Plaintiff or Plaintiffs in such Manner and Form, and by such Ways and Means, as are provided by the Statute made in the twenty-seventh Year of the Reign of Queen *Elizabeth*, for re-imbursing the Person or Persons, on whom any Money recover'd against any Hundred by any Party robb'd, shall be levied.

See *Riot and Rout*.

Wages.

OF Artificers, Servants and Labourers, &c.

		<i>l.</i>	<i>s.</i>	<i>d.</i>
Apprentices,	{ Of all Artificers.	In Summer <i>per</i> Day	00	00 10
		With Meat	00	00 05
		In Winter <i>per</i> Day	00	00 08
		With Meat	00	00 04
Arrow-head-makers.	{ His Servant <i>per</i> Ann.	03	00	00
Baker,	{ His Setter, Seasoner and Furrer <i>per</i> Ann.	04	10	00
	{ His common Servant <i>per</i> Ann.	03	00	00
Blacksmith,	{ Best Servant <i>per</i> Ann.	04	00	00
	{ Common Servant <i>per</i> Ann.	03	00	00
Bowyer,	{ Best Servant <i>per</i> Ann.	04	00	00
	{ Common Servant <i>per</i> Ann.	03	00	00
Brewer,	{ Head Brewer <i>per</i> Ann.	05	00	00
	{ Common Servant <i>per</i> Ann.	04	00	00
Bricklayer,	{ In Summer <i>per</i> Day	00	01	06
	{ With Meat	00	00	09
	{ Winter <i>per</i> Day	00	01	04
Brickmaker,	{ With Meat	00	00	06
	{ Per Thousand	00	04	00
Butcher,	{ His Servant <i>per</i> Ann.	04	00	00
	{ From Easter to Michaelmas <i>per</i> Day	00	01	08
Carpenter,	{ With Meat	00	00	10
	{ In Winter, from Michaelmas to Easter <i>per</i> Day	00	01	06
	{ With Meat	00	00	09
Carver,	{ In Summer <i>per</i> Day, and Winter	00	01	08
	{ With Meat	00	00	10
	{ Servant	00	00	08
	{ With Meat	00	00	04
Clothier,	{ His Foreman <i>per</i> Ann.	05	10	00
	{ Common Servant	04	10	00
Coaling,	{ Carrying four Cords of Wood to Heath, and covering and coaling in it	00	04	08
	{ His Servant <i>per</i> Ann.	04	10	00
Cook,	{ His best Servant <i>per</i> Ann.	04	00	00
Cooper,	{ His second Servant	03	00	00
	Currier,			

Wages.

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		l.	s.	d.
Carrier,	{ His best Servant <i>per Ann.</i>	03	10	00
	{ Common Servant	03	00	00
Cutler,	{ His Foreman <i>per Ann.</i>	03	10	00
	{ Common Servant	03	00	00
Dyer,	{ His Wringer and Under-Dyer } <i>per Ann.</i>	06	00	00
	{ Out of the whole Ground four Foot wide, two Foot deep and one Foot in at Bottom, } <i>per Rod</i>	00	00	08
Ditching,	{ If nine Foot wide, four Foot deep and four Foot in the Bottom } <i>per Rod</i>	00	01	06
	{ Cleansing them, Half that Price.			
Faggots,	{ <i>Per Hundred making</i>	00	00	10
Farrier,	{ See in <i>Blacksmith</i> , same Wages.			
Fletcher,	{ See in <i>Bowyer</i> .			
	{ In Summer <i>per Day</i>	00	01	04
Glasier,	{ With Meat	00	00	08
	{ In Winter <i>per Day</i>	00	01	02
	{ With Meat	00	00	07
Glover,	{ His Water-man <i>per Ann.</i>	05	00	00
	{ His common Servant	03	10	00
Harvest-men	{ From the Beginning to the End	02	15	00
(See <i>Servant</i>)	{ Best Servant <i>per Ann.</i>	04	00	00
Hatter,	{ Common Servant <i>per Ann.</i>	03	00	00
Hedging,	{ <i>Per Rod</i>	00	00	02
Hop-pickers,	{ <i>Per Day</i>	00	00	06
Hosier,	{ <i>Per Ann.</i>	04	00	00
	{ <i>Per Day in Summer and Winter</i>	00	01	08
Joiner,	{ With Meat	00	00	10
	{ Servant	00	01	00
	{ With Meat	00	00	07
	{ By the Day in Summer	00	01	02
Labourer,	{ With Meat	00	00	07
	{ By the Day in Winter	00	00	10
	{ With Meat	00	00	05
Lath-clearer,	{ <i>Per Hundred</i>	00	00	04
Lime-burner,	{ <i>Per Ann.</i>	04	00	00
	{ Free-Mason in Summer <i>per Day</i>	00	01	08
Mason,	{ With Meat	00	00	10
	{ In Winter <i>per Day</i>	00	01	06
	{ With Meat	00	00	09
Miller,	{ His Grinder <i>per Ann.</i>	04	00	00
	{ Loader <i>per Ann.</i>	03	00	00
Milner,	{ His best Servant <i>per Ann.</i>	04	00	00
	{ Common Servant	03	00	00

Wages.

		<i>l.</i>	<i>s.</i>	<i>d.</i>
Mill-wright,	In Summer <i>per Day</i>	00	02	00
	With Meat	00	01	04
	In Winter <i>per Day</i>	00	01	08
	With Meat	00	00	10
Mowers,	By the Day	00	01	04
	With Meat	00	00	09
	By the Acre, Grass	00	01	08
	Oats or Barley <i>per Acre</i>	00	01	00
Paling,	By the Rod, with one Rail	00	00	08
	even headed			
	Uneven-headed	00	00	05
Pewterer,	His Fore-man <i>per Ann.</i>	04	00	00
	Other Servant	03	00	00
Plasterer,	In Summer <i>per Day</i>	00	01	06
	With Meat	00	00	09
	In Winter <i>per Day</i>	00	01	04
	With Meat	00	00	08
Ploughman,	Head-Ploughman <i>per Ann.</i>	05	00	00
	His Under-Ploughman <i>per Ann.</i>	03	00	00
	Boy, from 14 to 18, <i>per Ann.</i>	02	00	00
	In Summer <i>per Day</i>	00	01	08
Plumber,	With Meat	00	00	10
	In Winter <i>per Day</i>	00	01	04
	With Meat	00	00	08
Potter,	His Servant <i>per Ann.</i>	04	00	00
Railing,	By the Rod, single Rail	00	00	02
	Double Rail	00	00	04
	By the Day	00	02	00
Reaping,	With Meat	00	01	00
	Woman <i>per Day</i>	00	01	00
	With Meat	00	00	06
	By the Acre	00	04	00
Sadler,	His best Servant	04	00	00
	Common Servant	03	10	00
	By the Day, the same as Bricklayers.			
Sawyers,	By the Hundred, Oak Boards	00	02	06
	Elm or Ash	00	02	04
	Slitting	00	02	08
	Best Man-Servant <i>per Ann.</i>	05	00	00
Servants,	Second Sort <i>per Ann.</i>	03	00	00
	Other Sort <i>per Ann.</i>	02	00	00
	Best Woman-Servant <i>per Ann.</i>	03	00	00
	Second Sort	02	00	00
	Other Sort	02	00	00
	Servants in Harvest with Meat	01	15	00
	Second Sort in Harvest	01	10	00
	With Meat	00	10	00
	Shoemaker,			

An Indictment lies for giving more Wages than assessed by the Justice.

2 Salk. 477.

A Servant complained to the Sessions that her Master would not pay her Wages, and on hearing both Sides, the Sessions referred it by Agreement to Sir T. L. and made an Order of Reference by Consent; afterwards Sir T. L. made an Award; and upon a *Certiorari* brought, adjudged that the Sessions cannot by the Consent of the Parties make an Order of Reference of a Thing to be determined by another, though they may make an Order of Reference to examine and report.

2 Salk. 484.

An Order to pay 40 s. generally for Wages, without saying for what Wages; and the Justices have Power only to settle Wages in Husbandry: Adjudged upon a Motion to quash this Order, that it shall be intended for Wages in Husbandry, since the contrary doth not appear.

Mod. Cases 91.

Order that *W. R.* should pay to *W. W.* so much Money for Labour and Work done, without saying that *W. W.* was his Servant, quashed, for it doth not appear but that the Work done might be *Carpenters Work* or any other Trade.

Jones 47.

Order to pay his Coachman's Wages, quashed, because the Statute 5 Eliz. c. 4. doth not extend to Coachmen or any other Servants but in Husbandry.

Mod. Cases
204.

Order, &c. reciting that *W. R.* and *W. R.* were retained by one London the King's Gardener at Hampton Court at so much *per Diem*, to work in the King's Garden there, and that they worked there so many Days, and that so much was due to them, which London was ordered to pay: This Order being removed from Hicks's Hall was quashed, for the Justices have only Power to enforce the Payment of Wages in Husbandry, because they have Power by the Statute to settle such Wages. It is true, where an Order is for Payment of Wages generally, it shall be intended Wages in Husbandry, but upon the Face of this Order it appears to be otherwise.

Warrants. See Constable.

Concerning
the Warrant
it self.

THIS is a Precept in Writing under the Hand and Seal of the Justice of the Peace.

It ought to contain the Cause, and therefore a Warrant to answer such Things as shall be objected, without mentioning any Thing in particular, is not good. This is the Opinion of my Lord Coke. 2 Inst. 591.

If any Person abuses the Warrant, as by throwing it in the Dirt, or treading it under Foot, or not executing it, it is a Contempt.

Contempt of the King's Process, and he shall be indicted and fined.

The Justice ought not to grant a *Blank Warrant*, for this is finable; nor a Warrant for Felony, without examining the Person who required it, upon Oath, and binding him over to give Evidence.

This being the Person to whom it is directed, he ought to execute it with all convenient Speed; and if it is a Warrant for the Peace or Good Behaviour, he may break open the Doors.

Upon arresting the Party he need not shew his Warrant, but he ought to declare the Contents of it.

If he is resisted or assaulted, he may justify the Beating and Wounding, &c.

If after the Arrest the Officer lets his Prisoner go, upon his Promise to return or appear, he cannot retake him upon the first Warrant, because it was executed; but if the Prisoner escape, he may take him upon a *fresh Pursuit* without a new Warrant.

If a Justice grants a Warrant in Cases beyond his Authority, the Officer must obey; but if it be where he hath no Jurisdiction, or in a Case where he is not properly a Judge, if the Officer executes such Warrant, he is punishable.

As if a *Poor Rate* is illegally assessed, and afterwards levied by a Warrant from the Justice, &c. this will not excuse the Church-wardens. *Cro. Car.* 394.

Where a particular Person who hath an Authority to act, commits a Mistake in any Thing which is in his Power or Jurisdiction, in such Case the Officer will be excused for executing it; but where he exceeds his *Authority*, all is void, because it is limited.

If the Warrant is *general*, viz. To be brought before the Justice, who grants it, or any other Justice, &c. the Constable, who is the Officer and Minister of Justice, may carry the Party before any Magistrate, because he is presumed to be an indifferent Person, and sworn to execute his Office duly, and therefore it is reasonable that the Election should be in him. *5 Rep. Foster's Case.*

It was the Opinion of my Lord Chief Justice *Wray*, That the Justice, &c. may grant a Warrant to bring the Person before himself, because he who hath taken the Examination is most fit to do Justice.

If the Warrant is to apprehend *A. B.* and there are several of that Name, and the wrong Person is arrested, an Action of false Imprisonment lies.

If after the Arrest the Officer procures a Warrant, having none before; this is a wrongful Taking, and the Officer is liable to the Action. *Dyer* 244.

If

Warrants. Watch.

If a Warrant is granted to take *R. N.* the Son of *T. N.* and the Officer arrests *R. N.* the Son of *W. N.* though he is the Offender, yet it is false Imprisonment, because he had no Warrant against such a Person. *Quere.*

By the Common Law, if an Action of false Imprisonment had been brought against an Officer for arresting another upon Suspicion of Felony, it was no Plea for him to say, That the Person was suspected, but he must alledge in Fact, That a Felony was committed, and that the Plaintiff was suspected thereof; and he must likewise alledge some special Matter to induce a Belief of such Suspicion; as that the Plaintiff is a Man of no Credit, &c. and he must likewise plead, that the Defendant himself had a Suspicion of him.

But this is now remedied by the Statute of 7 Jac. 3. by which the Constable may plead the general Issue, and give the special Matter in Evidence; which, together with the Warrant, will be a sufficient Excuse for him.

Indictment for not executing a Warrant. See Constable.

Watch.

BY the Statute of Winchester made 8 die Octobris anno 13 Edw. 1. Stat. 2. and Anno Dom. 1285. fresh Suit shall be made after Felons and Robbers from Town to Town, c. 1. and the Country shall Answer if they be not taken, c. 2. respited till Easter then next, c. 3.

In walled Towns, the Gates shall be shut from Sun-set to Sun-rising, and none shall lodge in the Suburbs except the Host will answer for him, c. 4.

Any Justice may cause the Watch to be set; but no Man is compellable to watch, unless he is an Inhabitant in the Town.

Any suspected Person passing by the Watch at unreasonable Hours, may be examined by the Watchmen; if they refuse, they may justify the Apprehending them, and Securing them till the Morning, and may then discharge them, or deliver them to a Constable to carry before a Justice of Peace, as they shall see Cause.

If a Person who ought to watch, and is commanded by the Constable so to do, refuseth, 'tis a Question whether he may put him in the Stocks; but he may complain to a Justice of Peace, who may bind the Offender over to Sessions, or the Constable may present him there. *Cro. Eliz.* 204. 3 Leon. 208. the same Case.

An

An Indictment for not Watching.

Middlesex, **T**HE Jurors for our Sovereign Lord the King to wit, upon their Oath present, That R. O. late of the Parish of Saint Martin in the Fields in the County of Middlesex aforesaid, Labourer, on the first Day of April in the ninth Year of the Reign of our Sovereign Lord George the Second, King of Great Britain, &c. and long before was an Inhabitant in the Parish aforesaid, and that the said R. O. was then and there, that is to say, on the said first Day of April in the same ninth Year above-mentioned duly summoned to watch with the Constable in the Parish aforesaid in the Night of the same Day; nevertheless the said R. O. neglecting his Duty in this particular, did not watch in the said Night of the same Day, in the Year above-mentioned, or in any Part of that Night, with the said Constable at the Parish aforesaid in the said County, but did then and there entirely refuse so to do, and wilfully and obstinately made Default, in Contempt of our said Lord the now King, and his Laws, and against the Peace of our said Lord the now King, his Crown and Dignity.

A Warrant by Order of Sessions to keep Watch and Ward.

To the Constable and Headborough of the Hundred of L.

Suffex, **W**HEREAS several Robberies, Felonies, and other Crimes have been lately committed in the County aforesaid; it was therefore ordered at the last General Quarter-Sessions of the Peace, held at L. for the said County, That Watch and Ward be duly set and kept in all and every usual Place and Places within your Hundred. You are therefore to take Care, that the same be done pursuant to the said Order; and you are likewise to apprehend all idle and suspicious Persons, and bring them before us, or some other of his Majesty's Justices of the Peace for the said County, in Order to proceed against them according to Law. And hereof fail not at your Perils. Given under our Hands and Seals, &c.

A Mit-

A *Mittimus* to the House of Correction of one apprehended by the Watch.

To the Keeper of the House of Correction.

Suffex, to wit, **W** Hereas R. O. was this present Day brought before me H. P. Esq; one of his Majesty's Justices, &c. the said R. O. being taken last Night by the Watch, set by the Constable of, &c. and charged with wandering abroad at unseasonable Times of the Night, and also with other disorderly Behaviour: These are therefore to require you to take the said R. O. into your Custody, and him safely to keep, until he shall be deliver'd by due Course of Law from thence, and in the mean Time to make him labour, allowing him such Maintenance as he shall earn thereby; and you are to punish him as by Law is required. You are likewise to bring him to the next Quarter-Sessions, &c.

By 9 Geo. 2. c. 6. for the better regulating the nightly Watch and Beadles within the Parish of *St. Martin in the Fields*, within the Liberties of the City of *Westminster*; the Vestry is to meet on the third of *May* and third of *November* yearly, and appoint the Number of Watchmen and Beadles, and to make and set down in Writing the Orders agreed on for regulating the Watch; and if any die or be removed for Misbehaviour; or if it be necessary to alter or amend any Orders, the same to be done by the Vestry, and Transcripts of the Regulations shall be signed by the Vestry Clerk and delivered to each Constable, who shall attend by Turns every Night, and keep Watch and Ward from nine in the Evening till seven next Morning, from the 29th of *September* till the 30th of *March*, and from the 30th of *March* from ten in the Evening till five next Morning; and shall endeavour to prevent all Mischiefs, &c. and may apprehend Night-walkers, &c. and carry them to a Justice of Peace to be examined and dealt with according to Law; and shall twice every Night go about the Parish and see if the Watchmen perform their Duty, &c.

The Watchmen in Absence of the Constable may apprehend Night-walkers, &c.

The Charges are to be paid by an half-yearly Assessment, and may be levied by Distress, &c.

The Assessment for Ambassadors Houses is to be paid by the Landlord; Persons aggrieved may appeal to the next General Quarter-Sessions, whose Order shall be final.

The

The Assessment is not to exceed 4*d.* in the Pound. No Person paying such Assessment, or being chosen Beadle or Watchman, shall thereby gain a Settlement in the Parish, nor shall any hired Servant be capable of being chosen a Beadle or Watchman during such Servitude.

The Collectors are to account to the Vestry on the 26th of July yearly, or oftener, if required, on Pain of Imprisonment; deficient or surplus Monies to be carried over to the next Years Rate, and the yearly Accounts are to be adjusted and signed at a Vestry by the 20th of August, and lodged with the Vestry Clerk.

Persons paying the Rates are discharged from the Watch or Ward appointed by the Statute of *Winchester*.

All Actions brought against any Person for any Thing done by Virtue of the said Act, shall be commenced within six Months, and be laid in *Middlesex*, to which the Defendant may plead the General Issue, and if (any Ways) for him, shall have treble Cost. The Act is to be deemed a Publick Act.

A Warrant to distrain for the Assessment according to the *aforesaid Statute*
9 *Geo.* 2.

To the Collectors of, &c.

Westminster, **W** Hereas Complaint hath been made unto us, to wit, two of his Majesty's Justices of the Peace for the City of Westminster, that J. O. of, &c. being duly assessed in the Sum of 8*s.* for his half-yearly Assessment, for and towards the Defraying of the Expence of the nightly Watch for the Parish of St. Martin in the Fields within the said City, pursuant to the late Act of Parliament in that Behalf made and provided, hath and doth neglect or refuse to pay the same as by Law he ought: These are therefore to command you, that forthwith you or one of you do levy the said Sum of 8*s.* upon the said J. O. by Distress and Sale of his Goods, rendring to him the Overplus, if any, after a Deduction of reasonable Charges of the Distress and Sale; and in Default of such Distress, that then you certify the same to us. Given, &c.

The

The Form of a *Mittimus* where a Distress cannot be found.

To, &c. and to the Keeper of the common Gaol, &c.
 Westminster, **W** Hereas it appears unto us, two of his Majesty's Justices of the Peace for the City of Westminster, that J. O. of, &c. being duly assessed in the Sum of 8 s. for his half-yearly Assessment for and towards the Defraying of the Expence of the nightly Watch for the Parish of St. Martin in the Fields within the said City, pursuant to the late Act of Parliament in that Behalf made and provided, hath and doth neglect to pay the same as by Law he ought, and thereupon a Warrant was directed to the Collectors, &c. under our Hands and Seals, to levy the same by Distress and Sale of the Goods of the said J. O. And whereas it also appears unto us that the said J. O. hath no Goods and Chattels upon which a Distress may or can be made: We do therefore herewithal send you the Body of the said J. O. commanding you to receive him into Custody, and him there safely keep until Payment thereof. Given, &c.

See several other Acts to the like Purpose made the same Sessions of Parliament in the ninth Year of his said Majesty King George the Second, for the regulating the nightly Watch, &c. of the respective Parishes of St. Paul Covent Garden, St. Anne, St. Margaret, and St. John, within the said City of Westminster, and the Liberties thereof.

Weaver.

HE who useth the Trade of a Cloth-worker out of a City or Borough, must keep but one Loom in his Possession, or make any Profit by letting out a Loom; Forfeiture is 20 s. 2 & 3 Phil. & Mar. c. 11.

But a Woollen Weaver living out of a City, &c. shall keep two Looms, and no more; like Penalty.

A Weaver who is not a Cloth-worker, shall not keep a Tucking-Mill, or use the Trade of Tucker, Fuller, or Dyer; forfeits 20 s. per Week.

A Fuller or Tucker shall not keep a Loom, or make any Profit thereby, under the like Penalty.

Weers.

WEERS. in Rivers may be viewed by one Justice, and may cause them to be made wider.

Making *Weers* within five Miles of the Mouth of any Haven or Creek, or making them to destroy any Fry of Fish of the Sea, forfeits 20*l.* to the King and Informer. 3 Jac. c. 12.

Weights and Measures.

THERE are two Sorts of Weights, { 1. *Troy Weight.*
2. *Averdupois.*

Troy Weight hath 12 Ounces to the Pound,
and by this are weighed,

Bread.

Gold.

Pearl.

Jewels.

Silks.

Silver.

Wheat.

Butter.

Cheese.

Drugs.

Flesh.

Flax.

Grocery.

Hemp.

Iron.

Steel.

Lead.

Pitch.

Tar.

Tallow.

Wax.

Wool.

Averdupois hath 16 Ounces to the Pound;
and by these are weighed,

These, and all Commodities which are garbled, and of which any *Refuse* is made, are weighed by *Averdupois* Weight. and to every Hundred there is an Allowance of 12 Pounds, and so *pro Rata*.

The

Weights and Measures.

The Busshel must contain eight Gallons, or sixty-four Pints of Wheat, and must be kept sealed in every City, Borough or Town. 11 H. 6. c. 8. 31 Ed. 1. 12 H. 7.

Eight Bushels make a Quarter of Corn striked, 15 R. 2. c. 4. The Standard of Bushels, Gallons and Ells must be signed with an Iron Seal of the King's; and if any sell or buy with Measures unsealed, he shall be amerced. 31 Ed. 1. the Statute *de Pistoribus*.

This Standard must be kept by the Mayor or Bailiffs of the Town, and six Persons must be sworn, before whom all Measures must be sealed. 31 Ed. 1.

Every Measure must be according to this Standard, and shall be striked, and not heaped. 25 Ed. 3.

Gallons.

Tun of Wine is ———	252	} 2 H. 6. c. 11. 1 Ric. 3. c. 13.
The Pipe is ———	126	
Barrel of Herrings —	30	
But of Salmon ———	40	

Vessels made contrary to that Statute, the Owner forfeits the Commodities therein contained to the Lord of the Town where found, but the Prosecutor must have a fourth Part.

Justices of Peace have Power to hear and determine the Offences.

Every City, Borough and Town must have a common Balance, and sealed Weights, in the Keeping of the Head-Officer, or Constable there, otherwise the City forfeits 10*l.* the Borough 4*l.* and the Town 40*s.* to the King.

Justices of the Peace have Power to hear and determine these Offences. 8 H. 6. c. 5.

The Mayor shall have 1*d.* for Sealing a Bushel, and for every other Measure a Half-penny.

If he refuse or delay to seal, he forfeits 40*s.* to be divided between King and Party grieved. 7 H. 7. c. 4.

Two Justices (*Quorum unus*) have Authority as well by Examination as by Enquiry, to hear and determine Faults of Mayors and Head Officers, and of Buyers and Sellers otherwise than by the Standard, and set Fines at Discretion; defective Weights and Measures are forfeited, and must be burnt. 11 H. 7. c. 4.

But now by the Statute of 22 Car. 2. c. 8. 'tis prohibited to sell Corn, Grain or Salt otherwise than by the Standard, and the Bushel must be struck even with the Brim, and sealed: The Forfeiture for every Offence is 40*s.* the Conviction to be by Oath of one Witness before one Justice, Mayor or Head Officer, and it must be levied by a Warrant directed to the Church-

wardens

wardens and Overseers of the Poor, for the Use of the Poor of the Parish where the Offence is committed; and if no Distress can be had; the Party may be committed without Bail till he pay the Penalty.

If Head Officers of Cities, Boroughs or Corporations suffer any Person to sell or buy by other Measure, and if upon Complaint do not punish the Offenders, then if they are convicted at Sessions, they forfeit 5 *l.* to the Poor and Informer; and if no Distress can be had, they may be committed till Payment.

Constables may search and examine if any Person use other Measures, &c. and if they find any unsealed, may break them, and may present the Offender at the next Quarter-Sessions.

By 22 & 23 *Car. 2. c. 13.* buying or selling Corn or Salt without Measuring (if required) or in any other Manner than is directed by the former Acts of 22 *Car. 2.* forfeits, besides the 40 *s.* all the Corn or Salt, or the Value thereof, to the Person grieved; and upon Complaint to one or more Justices of the Peace, the Proof shall lie upon the Person accused, who must make it appear by Oath of one Witness; That he did buy or sell according to this and the former Statute.

If he fail in such Proof, he forfeits all the Corn or Salt, or Value thereof, which is to be divided between the Informer and Poor where the Offence is committed.

This is to be levied by Warrant from one or more Justices, &c. before whom convicted.

A Warrant to levy the Penalty for selling heaped Measure without striking the Bushel.

To the Church-wardens and Overseers of the Poor of the Parish of, &c.

Suffex, to **W** Hereas R. O. of, &c. hath been duly convicted-
 wit, ed before me, for that on the 17th Day of April last past, in the Parish of H. aforesaid, he did sell Corn in a Bushel heaped with the same, and not stricken even by the Wood or Brim thereof, as by Law he ought; for which Offence he hath forfeited 40 *s.* These are therefore to require you forthwith to levy the Sum of 40 *s.* upon the Goods and Chattels of the said R. O. by Distress and Sale thereof; and that you employ the same to the Use of the Poor of the said Parish of H. where the said Offence was committed: And hereof fail not. Given under my Hand and Seal, &c.

12 *Car. 2. c. 8.*
 One Justice.
 One Witness
 on Oath; per
 17 *Car. 2. c. 19.*

Another Warrant to levy the Value of the Corn sold, besides the 40 s.

To the Constable and Headborough of, &c. and to the
Church-wardens and Overseers of the Poor of the Parish
of H.

22 & 23 Car. 2. Suffex, to
c. 12. wit,

W Hereas Complaint hath been made unto me, That R. O. of, &c. did on the 17th Day of April last past, in the Parish of H. in the said County, sell Corn by a Bushel not agreeable to the Standard marked in his Majesty's Exchequer, commonly called Winchester Measure (or that the Buyer did shake the Bushel, or that the Bushel was unsealed, or that it did not contain eight Gallons, as the Case is.) And whereas the said R. O. hath failed to prove before me by the Oath of one or more credible Witnesses, That he did sell (or buy, as the Case is) the same by a Bushel agreeable to the said Standard (or as the Case is) and thereupon he stands legally convicted of the said Offence: These are therefore to require you forthwith to seize the said * Corn, the same being forfeited, and that you distribute one Half thereof to the Poor of the said Parish of H. where the said Offence was committed, and the other Half to R. P. of the Parish of, &c. who informed me thereof: And hereof fail not. Given under my Hand and Seal, &c.

* If that can-
not be had,
then the Value
thereof.

An Indictment against a Mayor for suffer- ing any other Measure to be used.

22 Car. 2. c. 8. Suffex, to
Forfeiture 5 l. wit,
to Informer upon their Oath present,
and Poor. That one W. B.
Conviction being the Mayor and Head Officer of the Borough of L. in the
must be upon County aforesaid, on the eighth Day of April in the ninth Year
Indictment at of the Reign of our Sovereign Lord George the Second, now
Sessions. King of Great Britain, &c. at L. aforesaid in the said County,

T HE Jurors for our Sovereign Lord the King did knowingly and wilfully permit and suffer one R. H. within the Limits of the Borough aforesaid, and within the Jurisdiction of the said W. B. being then the Mayor and Head Officer of the Borough aforesaid, to sell two Quarters of Wheat measured by a Bushel that was not agreeable to the Standard marked in the Exchequer, of our said Lord the King, commonly called the Winchester Measure, contrary to the Form of the Statute in such Case made and provided, and also against the Peace of our said Lord the King, his Crown and Dignity.

The

Weights and Measures.

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The like Indictment (*mutatis mutandis*) for suffering Corn or Salt to be bought or sold in a Bushel not stricken by the Brim; or if upon Complaint he shall not punish or reform those who offend in these Cases.

The Forfeiture is 5 *l.* for every Offence; the Conviction must be by Indictment, or Presentment at Sessions, and then to be levied by Distress and Sale of the Goods of the Offender; and if that cannot be had, then he may be committed till 'tis paid; but there must be two Justices at least to sign the Warrant of Commitment.

An Indictment against the Clerk of the Market, or against a Mayor, for taking excessive Fees for sealing Weights, &c.

Suffex, to **T**HE Jurors for our Sovereign Lord the King wit, upon their Oath present, That R. H. of L. in the County aforesaid; being the Clerk of the Market in and for L. aforesaid on the eighth Day of April in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. at L. aforesaid in the said County, did unjustly take and exact from one W. B. (by Colour of his Office, as Clerk of the Market aforesaid) * four Pence, for * 'Tis but one the Sealing and Marking of a certain Measure called a Bushel, Penny, by the Statute of contrary to the Form of the Statute in such Case made and provided, and against the Peace of our said Lord the King, his 22 Car. 2. c. 8; Crown and Dignity.

The like Indictment may be (*mutatis mutandis*) for neglecting or refusing (being required) to seal, &c. Forfeiture for the first Offence 5 *l.* and for the second Offence 10 *l.*

Things are numbred after this Manner :

Barrel contains	{	256 Pints, 128 Quarts, 32 Gallons, 4 Firkins, 2 Kilderkins, 4 Bushels,	}	This Vessel being empty, should weigh 26 Pounds, <i>per 23 H. 8. c. 4.</i> Ale-Barrel contains 32 Gal- lons: Beer-Barrel 36 Gal- lons. <i>Per 1 W.</i>
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Barrel (Half)	{	16 Gallons. 2 Firkins.	}	This Vessel being empty, should weigh 13 Pounds, <i>per 23</i> <i>H. 8. c. 4.</i>
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Beef ————— A Pound is 16 Ounces *Averdupois*.

Weights and Measures.

Busnel is $\left\{ \begin{array}{l} 64 \text{ Pints.} \\ 32 \text{ Quarts.} \\ 8 \text{ Gallons.} \\ 4 \text{ Pecks.} \end{array} \right\}$ See 31 *Ed. 2.* 12 *H. 7.*

Butter ——— Must be measured as Sope. 14 *Car. 2.* c. 26.
 Clove ——— Is 8 Pounds *Averdupois.*
 Coals ——— A Sack is three Busnels.
 Coom ——— The same with Barrel.
 Ell ——— Is three Foot nine Inches.
 Fathom ——— Is seven Foot.
 Fleth ——— A Pound is 16 Ounces.

Firkin $\left\{ \begin{array}{l} 64 \text{ Pints,} \\ 32 \text{ Quarts,} \\ 8 \text{ Gallons,} \\ 4 \text{ Pecks,} \end{array} \right\}$ $\left\{ \begin{array}{l} \text{This Vessel being empty, must} \\ \text{weigh 6 Pounds and an Half.} \\ 23 \text{ H. 8. c. 4.} \\ \text{Of Beer, is 9 Gallons.} \\ \text{Of Ale, is 8 Gallons.} \end{array} \right\}$ Statute
 1 *Will.*

Foot ——— Is 12 Inches.
 Furlong ——— Is 40 Poles in Length.

Gallon is $\left\{ \begin{array}{l} 8 \text{ Pints.} \\ 4 \text{ Quarts.} \\ 2 \text{ Pottles.} \end{array} \right\}$

Handful ——— Is 4 Inches.
 Hemp ——— 20 Pounds make a Stone. 21 *H. 8.* c. 12.

Herrings. $\left\{ \begin{array}{l} \text{A Barrel must be 32 Gallons. 13 } \textit{Eliz. c. 11.} \\ \text{If sold by Tale, then 120 goes to the Hun-} \\ \text{dred.} \end{array} \right\}$

Hide of Land — Was 100 Acres formerly; now 80 Acres.

Hides of Leather. $\left\{ \begin{array}{l} \text{Dicker is 10 Hides.} \\ 20 \text{ Dickers is a Last, or 200 Hides.} \end{array} \right\}$

Hogshead is $\left\{ \begin{array}{l} 512 \text{ Pints.} \\ 256 \text{ Quarts.} \\ 64 \text{ Gallons.} \\ 8 \text{ Firkins.} \\ 4 \text{ Kilderkins.} \\ 2 \text{ Barrels.} \\ 8 \text{ Busnels.} \end{array} \right\}$ $\left\{ \begin{array}{l} \text{Of Wine, Oil or Honey,} \\ \text{is 63 Gallons.} \end{array} \right\}$

Hops ——— 112 Pounds make the Hundred.

Kilderkin

Weights and Measures.

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Kilderkin or { 16 Gallons. } Of Ale is 16 }
Half Barrel, { 2 Firkins. } Of Beer, 18 } Gallons.

Last ——— Is ten Thousand.

Laths must be { 5 Foot in Length.
2 Inches broad.
Half an Inch thick.

Mile is { 8 Furlongs.
220 Perches or Poles.
1056 Paces.
1409 Ells.
1760 Yards.
5280 Foot.
63360 Inches.

Nails ——— 120 make the Hundred.

Oxgang ——— Is 13 Acres.

Paper { 10 Reams, or 200 Quires, make a Bale.
Ream is 20 Quires or 500 Sheets.
Quire is 25 Sheets.

Parchment — A Roll is 5 Dozen; or 60 Skins.

Peck ——— Is 8 Quarts.

Perch ——— The same with Pole.

Pins ——— 120 make the Hundred.

Pipe ——— Is 126 Gallons of { Wine.
Oil.
Honey.

Plow-Land — The same with Hide of Land.

Pole ——— Is 16 Foot and an Half.

Pottle ——— Is two Quarts.

Quart ——— Is two Pints.

Quarter of { 8 Bushels } See 11 H. 7.
Corn is { stricken. } 25 Ed. 3. c. 10.
34 Ed. 3. c. 6.

Rod *alias* Rood — The same with Pole.

Rundlet is { 16 Gallons, } Of Wine, Oil and Honey; but
2 Firkins, } of the last, 'tis sixteen Gal-
lons and an Half.

Weights and Measures,

Soap ——— Must be of the Measure as Ale is.
 Stone ——— Is eight Pounds.
 Tiles ——— 120 make the Hundred.
 Timber ——— Hewed and squared, 50 Foot is a Load.

Tun is ——— 252 Gallons of $\left\{ \begin{array}{l} \text{Wine.} \\ \text{Oil or} \\ \text{Honey.} \end{array} \right.$

Weigh $\left\{ \begin{array}{l} \text{Of Cheefe, in } \textit{Suffolk} \text{ is } 250 \text{ Pounds: In } \textit{Essex}, \\ \text{300 Weight, after the Rate of } 112 \text{ lb.} \\ \text{to the Hundred.} \end{array} \right.$

Wool. $\left\{ \begin{array}{l} \text{A Stone is } 14 \text{ Pounds.} \\ \text{Tod is } 28 \text{ Pounds.} \\ \text{Sack is } 26 \text{ Stone, } 11 \text{ H. } 7. \text{ c. } 4. \\ \text{Or } 364 \text{ Pounds.} \\ \text{Weigh is } 182 \text{ Pounds, or } 6 \text{ Tod and an Half,} \end{array} \right.$

Yard ——— Is three Foot.

Yard-Land — Is either 20, 24 or 30 Acres.

Baker.

Mr. *Dalton* makes a *Quere*, Whether *Bakers* shall be amerced after an Indictment and Conviction for breaking the Assize of Bread? Or whether the *Justices of Peace* have Power to take away unlawful Bread, and give it amongst the Poor? As Officers in Corporate Towns usually do.

'Tis true, by the Statute of 12 Ed. 4. c. 8. the Justices of Peace have no Authority in this Matter, for by that Statute none but *Mayors*, *Bailiffs* or *Lords of Leets*, have Power of correcting those Offenders, which is by *Pillory*.

And this might be the Reason why the Justices of Peace in *Middlesex*, Anno 7 Car. as Mr. *Dalton* likewise tells us, made an Order to stay all Proceedings upon Indictments preferred against *Bakers*, because they doubted whether the Sessions had any Jurisdiction to hear and determine this Offence.

The Punishment is by *Pillory*, as aforesaid, and therefore in every Market-Town and Leet there ought to be a *Pillory*, and in Default thereof, the Lord of the Leet, or the Owner of the Market may be fined.

But for selling by false *Weights* and Measures, an Indictment will lie, notwithstanding a Punishment is appointed by the Statutes above mentioned in another Method, because this was an Offence at Common Law. See more in Title *Indictments* as to this Matter.

8 Annæ, c. 18. But now by a new Act, the Lord Mayor and Court of Aldermen in *London*, and the Mayor or chief Magistrates of any other City, Town or Borough, or two Justices, where no
 Continued by 1 G. c. 25. for 3 Years, &c. such

such Magistrates are, shall set the Assize and Weight of all Bread to be sold, having Respect to the Price the Grain, Meal or Flour bear in the publick Market there, and making reasonable Allowance to the Bakers for their Charges, Pains and Livelihood, and such Assize to be in *Averdupois* Weight.

And that the Assize may the more easily be ascertained no Person shall make for Sale, or sell or expose any Sort of Bread other than White, Wheaten and Household, and such other Sorts as shall be publickly licensed by the said Court, or Mayor, Magistrate or Justices within their respective Jurisdictions; which Sorts shall be made in their several Degrees, according to the Goodness of the several Sorts of Grain, of which the same ought to be made; and Assize of White, Wheaten and Household, to be according to the Table *infra*.

And *Bakers* are to imprint on their Loaves the Sort, Price and Weight thereof, or make such Mark thereon, as shall be appointed by the said Magistrates or Justices, who have Power to appoint how, and in what Manner each Sort shall be marked, thereby to know the Baker or Maker, Price, Weight and Sort, and to make other reasonable *Rules* for regulating Baking.

This Clause repealed by 1 G. c. 25.

And *Baker* not observing the said Assize, or breaking such Rules, or infringing any of the Matters hereby appointed, and thereof convicted by Confession or one Witness before such Mayor, one Alderman, Magistrate or one Justice, if no Mayor, &c. in Places where the Offence was committed, or Offender apprehended, forfeits for each Offence 40 s. to be levied by Distress by Warrant from such Mayor, Alderman, &c. to be to the Informer. And such Conviction to be certified to the next Quarter-Sessions, to be kept on Record by the Clerk of the Peace, and seen without Fee.

But no such Conviction to be, unless the Prosecution be within three Days after the Offence. And an Appeal lies to the Quarter-Sessions, where the Determination is to be final; and if the Appeal be not made good, or not prosecuted with Effect, the Sessions shall award such Costs as they think reasonable to the Informer: But if made good, and he discharg'd of the Conviction, the like Cause shall be to the Appellant against the Informer.

And the Mayor and Aldermen of *London*, or Chief Magistrate or Justice within their several Jurisdictions, may by Day enter into any House, Shop, Stall, Bake-house, Ware-house or Out-house of any *Baker* or Seller of Bread, and search for, view, weigh, and try all or any Bread of such Person there found. And if any Bread be wanting either in the Goodness of the Stuff, or in the due Baking, or Working, or Weight, or not truly marked according to the Directions, they may seize and distribute the same to the Poor of the Parish. And if any *Baker* or other Person shall not permit

mit such Search or Seizure, or shall oppose or hinder the same, he shall for every Offence forfeit 40 s. to the Informer or Informers, to be levied, &c. *ut supra*. With a Clause for preserving the Rights and Customs of London, Courts-Leet, and the two Universities.

And all Justices of the Peace, Constables and other Officers, are strictly commanded to see the Acts 29 Car. 2. c. 8. and 22 & 23 Car. 2. c. 12. put in due Execution. And all Justices of Assize, and Justices of the Peace to enforce and press the Execution of the said Laws, and to use all legal Methods to make the said Laws and this Act to be effectually observed.

1 Geo. c. 25.

The Penalty of 40 s. for Want of Weight, or not being marked as directed in the Act 8 Annæ is repealed; and if any Baker shall make or expose to Sale any Bread wanting an Ounce or more of due Weight, being thereof lawfully convicted, he shall forfeit 5 s. for every Ounce wanting, and wanting less than an Ounce, 2 s. 6 d. Complaint being made, and the Bread weighed before a Magistrate, within 34 Hours after 'tis baked or sold, if within the Bills of Mortality, and within three Days elsewhere; the said Forfeitures to be levied and disposed as in the Act 8 Annæ.

A Warrant to levy the Penalty.

To the Constable, &c.

1 Geo. c. 25.
Two Justices.

Surrey, to **W** Hereas Complaint hath been made unto us, wit, two of his Majesty's Justices of the Peace for the said County, that T. P. of, &c. did on the 24th Day of July last past, at L. in the County aforesaid, (there being no Mayor, Bailiff, Alderman or Chief Magistrate of the said Place) * expose to Sale Bread wanting its due Weight.

* Or as the
Offence is.

We therefore, pursuant to the Statute in that Case made and provided, did cause the said Bread to be weighed before us at L. aforesaid, and within three Days after it was baked, and it then wanted an Ounce or more of its due Weight, by Reason whereof the said T. P. hath forfeited † 5 s. These are therefore to require you to levy the said Sum of 5 s. on the Goods and Chattels of the said T. P. by Distress and Sale thereof, rendering to him the Overplus, if any such shall happen to be, and that you then pay the same to S. E. of, &c. who first informed us of the said Offence. Given, &c.

† If less than
an Ounce, 'tis
2 s. 6 d.

Miller:

The Miller's Toll-Dish ought to be according to the Standard, and he ought to take one Quart for grinding a Bushel of

Weights and Measures. Witchcraft.

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of hard Corn brought to his Mill; but if he fetch it, and carry it home, then two Quarts.

For Malt he is to take but Half the Toll he taketh for Corn, because 'tis easily grinded.

These Offences are punishable in the Leet; but for *changing the Grist*, a Miller may be indicted at the Sessions; for 'tis a Wrong done by Deceit, and is *contra pacem* (against the Peace).

Bakers. See before.

Westminster-Hall. See Sessions.

Windows. See Houses.

Witchcraft.

IT seems plain there are (or have been) Witches (or such that have had familiar Spirits, because they are not only mentioned in Holy Writ, but humane Laws have been made to punish such Offenders, tho' few have been convicted of Witchcraft, the late Law concerning them; which see before Title *Felony*, was the Statute of the first of *Jac. 1. c. 12.* but now the *9 Geo. 2. c. 3.* is the only Law against Witchcraft, which begins with Repealing the aforesaid Statute of *Jac. 1.* (except so much thereof as repeals the Statute of *5 Qu. Eliz.*) and it also repeals the Statute in *Scotland* of *9 Qu. Mary*, intituled, *Anentis Witchcraft*; and then enacts, That no Person shall be prosecuted for Witchcraft, &c. in any Court of *Great Britain*; and further, That any Person pretending to exercise Witchcraft, tell Fortunes, or by crafty Science to discover stolen Goods, and being convicted on Indictment or Information in *England*, or on Indictment or Libel in *Scotland*, shall be imprisoned for a Year without Bail or Mainprize, and once in every Quarter stand on the Pillory in a Market-Town for one Hour; and if the Court think fit, shall give Sureties for Good Behaviour.

Woman.

Woman. See in Felony.

3 H. 7. c. 2.

TAKEN away by Force, is a Crime which is not mitigated, though the Marriage is by Consent afterwards.

* Also the Procurer, Abettor, and wilful Receiver of such Woman; Clergy taken away per Stat. 39 El. c. 9.

The Preamble of this Statute is, *viz.* That Maids, Widows and Wives, having Substance in Goods, Lands and Tenements, and some being Heirs at Law, have been taken away for the Lucre of such Substance against their Wills, and married or defiled; and then 'tis enacted, That he who * taketh any Woman so against her Will, shall be a Felon.

A Man enticed the only Daughter of her Father, (who would be worth 5000 *l.*) to see a Ship, and when he had her on the *Thames*, carried her by Force and Threats into the Country, and there married her; but the Truth was, she had a Brother; and this was held not to be within the Statute, because the Preamble mentions the Estate and Condition of the Woman taken away, &c. and restrains the Purview to these particular Cases.

- (1.) There must be a Taking by Force.
- (2.) She must have Substance in Lands, Goods, &c.
- (3.) Or she must be Heir apparent.
- (4.) She must be married or defiled.

Now in this Case, the Woman had not a present Substance in Goods, for her Father was living, and she was not Heir apparent, for she had a Brother then alive. *Hob. 182. Hut. 2.*

1 And. 115.
Savil 59.

But admitting a Woman had Substance, &c. or is Heir apparent, another Question hath been made upon this Statute, Whether the Taking such Woman by Force, and Threatning her to make a Contract for a Marriage, is Felony or not? And held in the Negative: For though in the Body of the Act, 'tis said, That the Taking by Force is Felony, yet the Intention of the Law is afterwards expounded, *viz.* It must not only be a Taking by Force, but Marrying or Defiling. 'Tis true, Justice *Coke* was of a contrary Opinion, but the other is Law at this Day.

Cro. Car. 347.
Fulwood's
Case.

Three were indicted on this Statute, for that *Sarah Cox* having a Portion of 1300 *l.* they to gain the said Portion took her against her Will at *Newington in Middlesex*, and carried her to *St. Saviour's in Surrey*, and there one of them by the Procurement of the other two Defendants married her, &c. It was insisted that she gave her Consent to be married; but adjudged

adjudged that the Taking her away, being unlawful, and against her Will, though the Marriage was with her Consent, 'tis Felony; and tho' it was not a Marriage *de Jure* (of Right), because she was under a continual Fear, yet it was a Marriage *de facto* (of Fact), and Felony within the Statute, without Clergy.

One *B.* personated a *Country Lady*, tho' in Truth she was a *Jewd Woman*, and took a Lodging where one *Rawlins*, an *Heiress*, lodged, and soon afterwards introduced one *Swanston*, whom she pretended to be her Brother, into the Company of this *Heiress*, and by her frequent Commendations of him, inclined the *Heiress* to declare she wished he would marry her; but *B.* could not effect her Design, without getting the *Heiress* from the *Aunt*; thereupon she persuaded them both to go to Church with her; and having procured two Bailiffs, they arrested both the *Aunt* and the *Heiress* in going to Church, and carried them to a Tavern, and put them into separate Rooms, and presently removed the *Heiress* to another Tavern, where *Swanston* came to bail her, and *B.* told her, That if she did not marry him, she must go to *Newgate*; whereupon she married him under the Arrest. Now though the *Heiress* had a Fancy to the Man, yet she knowing of this Contrivance, and not consenting to come to him after this Manner, and being married under this Restraint; tho' she consented to the Marriage, yet it was Felony in *Swanston* by this Statute; for here was a forcible Taking away, and her subsequent Consent whilst under a Restraint, shall be accounted as the Effect of the continuing Force; and if *Swanston* had not known of the forcible Taking away, yet he knowing her to be under Restraint, and marrying her whilst she was so, made him an Approver of the first Force, and Partaker of it; he was hanged.

All Aiders and Assisters to this Fact are Principals. *Mich.*

1 *Anne.*

Indictment on this Statute for the Forcible Taking away and marrying *Lucy Ramsay* of the Age of 14 Years, and having 5000 *l.* Portion; the Fact was thus: She was persuaded by *M. P.* to take the Air in *Hide-Park* in a Coach, and being there, the Coachman drove from the Company, and one *Brown* came up to the Coach in a Mask, and persuaded *M. P.* to come out of the Coach, which she did, then he pulled *Mrs. Ramsay's* Servant out, and went into the Coach himself, and kept her in 'till he came to his Lodgings in the *Strand*, where after threatening to carry her beyond Sea, he prevailed to marry her, but was taken the same Day, and she was admitted to be a *Witness* against him, being only a *Wife de facto*; but in the Lord *Castlehaven's* Case, the *Wife de jure* was *Witness*; she prov'd the Forcible Taking away, and there was

Proof

Proof of her Substance and of her Marriage, though not deflower'd: He was hanged. 1 *Vent.* 243. *Brown's Case*.

4 & 5 Ph. & M. c. 8.

There is another Statute, and 'tis the last of *Phil. & Mar.* which relates to the Taking away any Woman-Child, under the Age of sixteen Years, out of the Custody, and against the Will of the Father or Mother, or of the Person to whom the Father devised the Child; the Punishment in such Case is two Years Imprisonment, without Bail; or to pay such a Fine as shall be imposed on him by *B. R.*

* To the King and Party
grieved.
3 *Mod.* 84, 163.

If he *defile* or *marry* such Child, he shall be imprisoned five Years, or pay a * Fine, &c.

If such Child is above Twelve, and under sixteen Years, and consenting to marry, then the next of Kin, to whom her Inheritance should come, shall enjoy it during her Life; but after her Decease, it shall go to the Heir at Law, but never to the Husband.

A Freeman of *London* devised the Custody of his Daughter to C. and died, the Daughter being then in the Country: C. gets a Warrant from the Chief Justice to take her, which he did, but she was then married to B. This was held to be out of the Statute, because the Child was never in Possession of the Guardian. *Sid.* 363.

This Statute seems to be an Affirmance of the Common Law; for if, (before the Statute) a Man came to the Father's House, and contracted with his Daughter, under fifteen Years of Age; and by Appointment meeting and marrying him, this is punishable by Fine and Imprisonment. *Sid.* 387.

March 52.
Cro. Car. 557.

An Information was exhibited against the Defendant for an unlawful Practice and Combination, in procuring a clandestine Marriage in the Night between a Maid-Servant and a young Gentleman, who was Heir to an Estate, and this was without Banns or License; and the Person being drunk; they were fined 1000 Marks, and committed till paid.

4 & 5 Ph. & Mar.

By the Statute 4 & 5 *Phil. & Mar.* before-mentioned, 'tis enacted, *That if a Woman under the Age of sixteen, and unmarried, is taken away from her Parents or Guardian against his Consent, &c. That the Party shall suffer two Years Imprisonment, and pay such a Fine as the Court of Star-Chamber*

Cro. Car. 353.
Mary Smith's
Case.

* But there being no negative Words in the Statute, *B. R.* is not excluded.
2 *Lev.* 179.
3 *Rep.* in *Ratcliff's Case*.

shall set on him, and that the Justice of Assize may hear and determine the Offence by Indictment, &c. the Defendant was indicted before the Judges of *B. R.* in *Middlesex* for this Offence: It was objected that it was *coram non judice*, because the * Statute directs that it shall be determined by a Judge of Assize, and the Court of Star-Chamber shall set the Fine; now there are no Judges of Assize in *Middlesex*, and the Court of Star-Chamber is taken away: The Court doubted on both Points.

The Testator having a Son and Daughter appointed by his Will that their Mother should educate them; she married again,

again, and the Daughter being in the Father-in-Law's House, and being above the Age of fourteen, and under sixteen, went from thence by his Consent to London, and was there married to W. R. Adjudged that the Mother had the Custody of the Daughter at the Time of the Contract and Marriage within this Statute, both as Guardian by Nature, and by the Will of her Father: And though she was gone six Years before she married, yet in Judgment of Law the Mother had the Custody of her at the Time of the Contract, because it was a Thing inseparable from her Person.

An Indictment on the Statute of the Third of H. 7. c. 2.

Middlesex, **T**HE Jurors for our Sovereign Lord the King to wit, upon their Oath present, That P. R. Gentlewoman, on the sixth-Day of November in the ninth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. being a Maid and unmarried, and Granddaughter and Heir to G. R. the Elder then deceased, and Daughter and Heir to W. R. before that Time also deceased, was of the Age of sixteen Years and upwards, and within the Age of eighteen Years, and then had Substance in Goods moveable, and in Lands and Tenements, that is to say, in Money, Goods and Chattels to the Value of Three thousand Pounds, and in Lands and Tenements to the Value of twenty Pounds a Year to her and the Heirs of her Body, and that H. S. late of the Parish of Saint Giles in the Fields in the said County of Middlesex, Yeoman, on the said sixth Day of November in the same ninth Year above-mentioned (the said P. R. being then a Maid and unmarried, and an Heir and having Substance as aforesaid) at the Parish of Saint Giles in the Fields aforesaid in the said County, for the Lucre of such Substance by Force and Arms did unlawfully, feloniously, violently, and against the Will of the said P. R. take, lead and carry away the said P. R. to the Intent to cause and procure the said P. R. against her Will to be joined to the said H. S. in Matrimony, and to be married to him, and that the said H. S. being a Man of a dishonest Conversation, and of no, or very little Fortune or Estate, by the Abetting and Procurement of one S. B. of the Parish aforesaid in the said County, Labourer, did then and there feloniously marry the said P. R. and was joined to her in Matrimony, and did then and there carnally know her, to the great Displeasure of GOD, and contrary to the Laws of our said Sovereign Lord the King, to the Disparagement of the said P. R. and to the great Heaviness and Discomfort of all her Friends, and to the evil Example of all others, contrary to the Form of
the

the Statute in such Case made and provided, and against the Peace of our said Lord the King, his Crown and Dignity: And that one A. B. late of the Parish aforesaid in the said County, Yeoman, after that the said P. R. had been so unlawfully, violently and feloniously took, led, and carried away, and that the said H. S. had married her as is before related, knowing that the said P. R. was so taken and carried away against her Will, and that the said H. S. had married her afterwards, that is to say, on the said sixth Day of November in the same ninth Year above-mentioned at the Parish aforesaid in the said County, did wittingly, willingly and feloniously receive, abet, comfort, conceal, and assist them the said P. R. and H. S. and did then and there feloniously aid, abet, assist, cause and procure the said H. S. to lie with the said P. R. and carnally to know her, contrary to the Form of the Statute aforesaid, and against the Peace of our said Sovereign Lord the now King, his Crown and Dignity.

Woods. See Fuel.

35 H. 8. c. 7.

Several Laws have been made for the Preservation of Wood and Timber; the most material are, Where Coppices are felled at or under twenty-four Years Growth, there shall be left in every Acre twelve *Standils* of Oak; and if so many do not grow there, then it shall be supplied with the like Number of Elm, Ash, Asp or Beech; or for every Standil not so left, the Owner forfeits 3 s. 6 d.

These Standils must not be felled till they are ten Inches square within three Foot of the Ground, under the Forfeiture of 3 s. 6 d.

If felled above twenty-four Years Growth, and not leaving so many Standils, &c. forfeits *per* Standil 6 s. 8 d.

Must not fell such Standils which are left till twenty Years afterwards; Forfeiture for every Tree so felled within that Time, 6 s. 8 d.

But such Standils may be felled for the Use of the Owner of the Soil in Building, &c.

Under Woods, *Under-Woods* felled at fourteen Years Growth, or under, 13 Eliz. c. 25. shall for six Years afterwards be * preserved from Destruction * This must be of Cattle, or the Owner shall forfeit for every Rood *per* done by him Month unfenced, 3 s. 4 d. who hath a lawful Interest and Possession in the Woods, and it must be set forth in the Information, or it is ill. Cro. Eliz. 127.

If above fourteen Years, and under twenty-four Years Growth, then must be preserved for eight Years.

If above twenty-four Years, then must be preserved for nine Years.

No Cattle shall be put in from the Time of Felling such Coppices till five Years afterwards; nor then neither but Calves or yearly Colts, until the End of six Years, if the Coppice was under four Years Growth.

Coppice Wood containing two Acres and upwards, and being two Furlongs distant from the House of the Owner, shall not be converted into Tillage or Pasture; Penalty is *per Acre* 2 *l.*

These Forfeitures are to be recovered in any Court of Record, and go to the King and Prosecutor.

Woods or Under-woods shall not be converted into Coal for making Iron, which grow,

1. Within twenty-two Miles of *London* or Suburbs.
2. Or within that Distance of the *Thames* from *Dorchester* in *Oxfordshire* downwards.
3. Or within four Miles of the Foot of the *Downs* between *Arundel* and *Pevensey* in *Com. Suffex*.
4. Or within four Miles of *Winchelsea* or *Rye*, two Miles of *Pevensey*, three Miles of *Hastings*.

The Penalty is 40 *s.* *per Load*, between King and Prosecutor. *Per Stat. 23 Eliz. c. 5.*

This Act doth not extend to Woods growing in the Wilds of *Surrey*, *Suffex* or *Kent*, within twenty-two Miles Distance from *London*, nor to such which are distant above eighteen Miles from thence, or the *Thames*.

No new Iron-works are to be built within twenty-two Miles of *London*, fourteen Miles of the *Thames*, or four Miles of the *Downs*, of *Pevensey*, *Winchelsea*, *Hastings*, or *Rye*: Penalty One hundred Pounds between the King and Prosecutor, *per Statute 23 Eliz. c. 5.*

Furnaces, &c. shall not be erected in *Suffex*, *Surrey*, or *Kent*, otherwise than upon old Bays, or Fens, where such Works have been lately standing.

Or upon Lands where such Works may be continually supplied with Woods of the Owner of such Furnace without committing Waste; the Penalty is 300 *l.* between the King and Prosecutor.

If Oak, Ash or Elm, being Timber, and a Foot square in any Part, shall be converted into Coal or Fuel for Iron-works; the Penalty is 40 *s.* *per Tree* between the King and Prosecutor.

Lops of such Trees may be coaled in those Counties, but not within eighteen Miles of *London*, eight Miles of the *Thames*,

Thames, four Miles of Rye and Winchelsea, three Miles of Hastings, or four Miles of the Foot of the Downs, between Arundel and Pevensey.

See for more relating to this in Title *Hedge-breaking*, where you will find the Statute 15 Car. 2. mentioned; and these Precedents which follow, relate to that Act.

A Warrant against one for stealing Wood.

To the Constable and Headborough, &c.

One Justice.
One Witness
on Oath.
Within six
Weeks after
the Offence.

Suffex, to **W** Hereas it hath been duly proved before me, wit, That T. P. of, &c. hath lately cut and taken Wood of R. N. contrary to the Statute in that Case made and provided, which Wood was of the Value of 8 s. These are therefore to require you to cause the said T. P. to be publicly whipped in the Town of L. in Case he shall not forthwith pay unto the said R. N. the said Sum of 8 s. which I do hereby order him to pay accordingly, in Satisfaction for the said Wood. Given, &c.

A Warrant to search for stolen Wood.

To the Constable and Headboroughs of the Hundred of, &c.

* Within six
Weeks.

Suffex, to **W** Hereas I have been credibly informed by J. O. wit, of, &c. that a Parcel of Wood was * lately cut, taken, and carried away off and from his Lands in H. in the said County, contrary to the Statute in that Case made and provided: These are therefore to require you to enter into, and search the Houses, Out-houses, or any other Places of such Persons whom you shall justly suspect to have taken the same, and if you find any such Wood, that then you apprehend the Person or Persons suspected for cutting and taking it, and those in whose Houses, Out-houses, or other Places it shall be found, and bring them before me, or some other of his Majesty's Justices of the Peace for the County aforesaid, that such Proceedings may be had against them for the said Offence as is directed by Law. And hereof fail not, &c.

An

An Order for Payment of Money in Satisfaction of Stolen Wood, or to be sent to the House of Correction.

To the Constable, &c. and to the Keeper of the House of Correction.

R. W. being suspected for unlawfully cutting and taking Wood on the 21st Day of this instant April, was brought before me, and not giving a satisfactory Account how he came by the same, nor being able to produce the Person of whom he bought it, or any credible Witness to testify upon Oath the Sale thereof, he thereupon stands convicted of Cutting and Spoiling the same: And it being proved before me, that B. R. of, &c. was the Owner thereof, I did therefore order and appoint the said R. W. within six Days next ensuing, to pay unto the said R. B. the * Sum of, &c. in Recompence and Satisfaction for his Damages, and that the said R. W. should likewise forthwith pay to the Overseers of the Poor of the Parish of H. where the said Offence was committed, the Sum of 9 s. And whereas the said R. W. hath not paid the said respective Sums according to the said Order or Appointment: These are therefore to require you to convey the said R. W. to the House of Correction, and to deliver him to the Keeper thereof, together with this Warrant, commanding you the said Keeper to receive him into your Custody, and to detain him in your House by the Space of † ten Days next after he shall be delivered unto you: And hereof fail not, &c. Given under my Hand and Seal, &c.

* 43 Eliz. c. 7.
15 Car. 2. c. 2.

† Any Time
not exceeding
a Month.

If the Justice do not think fit to send him to the House of Correction he may order him to be whipt.

Mittimus for the second Offence.

To the Constable and Headborough of, &c.

Suffex, to wit, **A** S in the former Warrant, to the Words [And Second Off. it being proved.] And whereas the said R. W. fence was once before convicted of the like Offence: These are therefore to require you to convey him to the House of Correction, and to deliver him to the Keeper thereof, commanding you the said Keeper to receive him into your said House, and to keep him there to hard Labour by the Space of one Month: And hereof fail not, &c.

Vol. II.

U

An

An Order for the Buyer of stolen Wood to pay treble Damages.

Suffex, to **W** Hereas it hath been duly proved before me,
wilt, That R. N. of, &c. did within five Days
last past buy several Burdens of Wood of W. O. being a Person
justly suspected to have stolen the same, contrary to the Statute
in that Case made and provided, and that it was the Wood of
R. B. of, &c. and was of the Value of 10 s. at the Time the
said R. B. bought the same: I do therefore order that the said
R. N. do forthwith pay unto the said R. B. the Sum of 30 s.
being the treble Value of the said Wood. Given under my
Hand and Seal, &c.

A Warrant to distrain for Non-payment of the Money according to the Order above-written.

Suffex, to **R** Ecite the former Order Verbatim. Then say:
wilt, And whereas the said R. N. hath not paid
to the said R. B. the aforesaid Sum of 30 s. There are there-
fore to charge you to levy the same upon the Goods and Chattels
of the said R. N. by Distress and Sale thereof, and forthwith
to pay the same unto the said R. B. to whom it is justly due.
Given under my Hand and Seal, &c.

If there cannot be any Distress taken, the Offender may be
committed to Gaol for a Month without Bail.

There is a Clause in the aforesaid Statute of 35 H. 8. which
relates to Justices of Peace, viz. Where there is a Wood or
Coppice wherein others have Common of Pasture, the Lord or
Owner shall not cut down the same (except for his own Use)
before he and the Commoners shall agree to set out a fourth
Part thereof to be enclosed for his Use; and if they cannot
agree in it, then two Justices appointed by the Sessions shall
summon twelve Commoners and Inhabitants there; and those
Justices, with the Consent of the Lord and those Commoners,
shall set forth a fourth Part thereof, to be inclosed by the
Lord within four Months afterward, and then to be felled by
him; and if any Cattle shall come into that Inclosure within
seven Years after the Wood is felled, the Owner of the Cattle
shall forfeit for every Beast 4 s. and during that seven Years,
the Commoners shall have no Right of Common there, and
the Lord shall be barred to common in the Residue; but after
the

the seven Years they may both intercommon in the Whole; and in Case the Lord doth not sell the fourth Part within a Month after it is inclosed; the Commoners may put in their Cattle as before.

This Act doth not extend to Under-woods in *Kent, Surrey* and *Sussex*, save only to the common Woods there.

An Information for cutting Wood, and not leaving Standils, &c.

Sussex, to **B**E it remembered, That R. R. of H. in the Coun- 35 H. 8. c. 12.
 wit, **B**ty aforesaid, Gent. who prosecutes in this Be-
 half as well for our Sovereign Lord the King as for himself
 cometh here into the Court of our said Lord the King, before the
 King himself at Westminster, in his proper Person, on Wednes-
 day next after fifteen Days from Easter-day in this same Term;
 and as well for our said Lord the King as for himself giveth
 this Court to understand and be informed that one R. B. of H.
 aforesaid in the said County, Gent. on the first Day of April
 last past, before the Exhibiting of this Information, was and
 yet is possessed for the Term of seven Years then and yet unex-
 pired, of the Ground and Soil of a certain Wood called High-
 woods, containing fifty Acres, situate lying and being in the Pa-
 rish of H. aforesaid in the said County, and the Owner of cer-
 tain Standils or Storers of Oak there growing on the said first
 Day of April above-mentioned; and that the said R. B. on the
 same Day, and on divers other Days and Times between the
 said Day, and before the Day of the Exhibiting of this Infor-
 mation at H. aforesaid in the said County, did cause and com-
 mand ten Acres of the said Wood, Parcel of the said fifty Acres,
 to be felled and cut down, and that the said Wood so felled and
 cut down was not of twenty-four Years Growth; and that the
 said R. B. at the Time of the Felling and Cutting down the
 said Wood, did not leave standing and unfelled for every Acre of
 Wood that was so felled twelve Standils or Storers of Oak, ac-
 cording to the Form of the Statute in such Case made and pro-
 vided; wherefore the said R. R. as well for our said Lord the
 King, as for himself prays the Advice of the Court in the Pre-
 mises, and that the said R. B. do forfeit for every Standil and
 Storer so not left Standing upon every Acre of the said ten Acres
 of Wood as aforesaid, three Shillings and four Pence, according
 to the Form of the Statute aforesaid, and that he the said R. R.
 may have the one Half of the said Forfeiture, according to the
 Statute aforesaid, &c.

U x

For

Woods. Wool and Woollen Cloth.

For felling Oaks out of the Time of Barking, viz. between the first Day of April, and the last Day of June.

1 Jac. 1. c. 22. continued by
3 Car. c. 4. to
the End of
next Session of
Parliament.
Expired.

Suffex, to **B**E it remembered, That R. R. of H. in the County aforesaid, Gentleman, who prosecutes in this Behalf as well for our Sovereign Lord the King, as for himself cometh here into the Court of our said Lord the King, before the King himself at Westminster in his proper Person, on Wednesday next after fifteen Days from Easter-Day in this same Term, and as well for our said Lord the King as for himself giveth this Court to understand and be informed, That one R. B. of H. aforesaid in the said County, Gent. on the first Day of May last past, before the Exhibiting of this Information at H. aforesaid in the said County, did fell and cause to be felled One hundred oaken Trees (growing in a certain Wood called the Highwoods) meet to be barked, where every Cart-load of the Bark of the said oaken Trees was worth two Shillings, over and above the Charges of Barking and Pilling, contrary to the Form of the Statute in such Case made and provided; which said One hundred oaken Trees were not, nor was any of them employed to or for the necessary and needful Building and Reparations of Houses, Ships, or Mills, and that each of the said oaken Trees were then worth ten Shillings; wherefore the said R. R. as well for our said Lord the King as for himself, prays the Advice of the Court in the Premises, and that the said R. B. do forfeit double the Value of the said oaken Trees, by him felled in Manner aforesaid, and that the said Forfeiture may be divided into three equal Parts, and that he the said R. R. may have one Part thereof according to the Form of the Statute aforesaid.

The King is to have the other third Part, and the City, Corporation, or Lord of the Liberty, the other Part. Expired.

Wool and Woollen Cloth. See Tit. Dyers and Cloth.

Vide ante tit. Cloth.

THIS being a Staple Commodity of the Kingdom, on which the Value of our Lands, and the Trade of the Nation doth depend; it hath been the Care of our Laws

Wool and Woollen Cloth.

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Laws to prevent its being transported, under very severe Penalties.

It was above 350 Years since exporting Wool was first made Felony, and not only so, but the Offender was to forfeit all his Lands and Goods. 23 Ed. 3. c. 7.

'Tis true, this Punishment continued but eleven Years; 38 Ed. 3. c. 6. for Anno 38 Ed. 3. that Part of the Statute which made the Offence Felony was repealed, but the Forfeiture of Lands and Goods still continued.

* That and some other Laws relating to this Matter are now obsolete, and therefore Anno 12 Car. 2. a new Statute was made, by which those, who exported or loaded on any Carriage to be transported the Goods following, forfeit the same:

Fullers Earth or Clay.

Morlings.

Sheep.

Shorlings.

Wool, *English* or *Irish*.

Woolfels.

Yarn made of Wool.

And over and above these Forfeitures, for every Sheep exported 1 *l.* And for every Pound-Weight of the other Goods, 30 *s.*

Likewise the Owner of the Ship knowing the Offence, forfeits all his Interest therein; and the Masters and Mariners assisting, forfeited all their Goods, and were to be committed for three Months without Bail.

Those who transported, or caused to be transported, any of those Goods, and being convicted of that Offence, were disabled to sue for any Debt.

These Forfeitures were to be recovered at the Sessions in that County where the Offence was committed, or where the Offender shall be taken; but it must be within † a Year after the Offence committed; and one Moiety is to go to the King, and the other to the Prosecutor.

† By 9 & 10 W.
The Time is
enlarged to 3
Years.

And if any Person find such Goods on Board, or packed or loaded on any Carriage, or laid near any Water to be exported into *Scotland*, or any foreign Parts, he may seize the same, and shall have the full Moiety to himself; but then he shall not be an Evidence upon Oath to convict the Offender, &c.

But notwithstanding this Law, great Numbers of Sheep and Wool were transported, and therefore two Years afterwards another Act passed to make it Felony to export any of the Goods above-mentioned; and all Persons assisting or consenting thereunto were made Felons. 14 Car. 2. c. 13.

By this Statute it was likewise enacted, That Wool should not be conveyed from Place to Place, but in the Day-time,

Wool and Woollen Cloth.

under the Penalty of forfeiting the same; one Moiety to the King, the other to the Prosecutor.

And to encourage the Discoverers of such Offences, it was provided, That the Owners of any Vessel, or any Master or Mariner, knowing such Goods were exported, and who at his Return, or within three Months after his Knowledge of the Offence, shall make Information thereof on Oath before a Baron of the Exchequer, he shall not be punished as a Felon.

Offences against that Act may be tried at Sessions.

Cap. 28.

But because the punishing a Man as a Felon was thought too severe, therefore Offenders were not prosecuted for this Offence as they ought, and the Law was by this Means without any Effect; so that by 7 & 8 Will. so much of the former Act which made exporting Wool, &c. Felony, was repealed.

1 Will. c. 32.

And lest under a Pretence of carrying Wool to any Place or Port on the Sea-Coasts in *England*, some designing Persons might the more easily transport it; therefore by the Statute 1 Will. Owners of Wool, or their Agents, must make an Entry of the Weight, Marks, and Numbers thereof, at that Port, from whence it shall be intended to be conveyed; and this Entry must be made before they carry it within five Miles of any such Port or Place, or otherwise the Goods carried are forfeited, and so are the Beasts and Carriages, and the Persons conveying, driving, or abetting, shall forfeit and suffer as by the former Acts against exporting Wool.

But People may carry their Wool from the Sheering-place to their own Houses, though within five Miles of the Sea; so as within ten Days after the Sheering, and before they dispose the same, they certify under their Hands to the Custom-Officer of the next Port, the Number of the Fleeces, and where housed, and do not remove the same without certifying the Officer again of their Intention to remove it, at least three Days before the Removal. The Penalty is the Forfeiture of the Wool.

5 G. c. 11.

The Provisions which are made against exporting Wool by the Statute 1 W. shall extend to Woolfells, Mortlings, Shortlings, Woollen Yarn, Woolstocks, Fullers Earth, Fulling Clay, and Tobacco-pipe Clay, carried Coastwise.

7 & 8 Will.
c. 28.

The Inhabitants of the Northern Counties adjoining to *Scotland*, did frequently carry Wool and other Goods above-mentioned into *Scotland*, and the *Scots* exported them into *France*; therefore Anno 7 Will. a Law was made, prohibiting Wool, &c. to be carried on Land in the said Counties, or within five Miles of the Sea, but between Sun-rising and Setting, upon Pain of Forfeiture of Goods, Horses and Carriages.

If transported in a Ship, that is forfeited, together with the Goods, and treble the Value thereof, and treble Costs, and the Inhabitants of the Hundred next adjoining to *Scotland*, or

to the Sea-Coasts, out of or through which any Wool shall be carried or exported, forfeit 20 l. if the Wool is under the Value of 10 l. and if above that Value, then treble what the Wool is worth, and treble Costs of Suit, to be recovered by Action of Debt, &c. And Execution shall be had against Two or more of the Inhabitants of the Hundred, and the Justices in Sessions may re-imburse them, by rating the Towns, Parishes and Hamlets in that Hundred, as by the Statute of Hue and Cry, and cause the Penalties to be levied by an equal Assessment on the Inhabitants.

Those who are convicted of Aiding, Abetting or Assisting to the Carrying or Exporting Wool as aforesaid, shall be committed three Years without Bail, and both they and the Owner of the Wool shall satisfy treble the Value of such Forfeitures and Penalties with which the Inhabitants of those Hundreds shall be charged, and treble Costs of Suit; and this shall be for the Use of the said Inhabitants, to be recovered by Action of Debt, &c. in the Name of the Clerk of the Peace, without naming his Christian or Surname.

But the Jury must not be of that County where the Fact was committed.

And to encourage the Persons to discover these Offenders, the first three Persons who have been aiding or assisting in carrying out or exporting Wool, or any of the aforesaid Commodities; and who shall inform any Justice of Peace of those *Northern Counties*, whereby the aforesaid Punishment and Penalties may be inflicted and recovered; such Discoverer, not being the Owner of the Wool, &c. shall be acquitted.

But no Man entitled to the Penalties and Forfeitures shall compound with any Hundred liable to pay the same, for a lesser Sum than what is given by the Act; if he doth, it shall be lawful for any other Person to sue for and recover the same, and the Person compounding must be imprisoned for five Years without Bail.

The first Act, *Anno 1 Will.* was temporary, but it was continued by 4 & 5 *Will.* and farther continued by 7 *Will.* which was also continued by 9 & 10 *Will.* that being explanatory of the former Laws; by which it is enacted, That Wool lodged within ten Miles of the Sea, either in *Kent* or *Sussex*, the Owner thereof must within three Days after Sheering give an Account in Writing to the next Custom or Port-Officer; and if lodged within fifteen Miles of the Borders of *Scotland*, then he must give an Account, &c.

1. The Number of Fleeces.
2. Where lodged, or housed.

And before he removes it, he must give the like Notice in Writing, &c.

1. The Number of Fleeces.
2. Where lodged.
3. To whom disposed.
4. Where intended to be carried.

The Wool is otherwise forfeited, and 3 s. for every Pound-weight besides, and so is all the Wool found within fifteen Miles of the Borders of *Scotland*, and not entered.

The Officer is to enter this *gratis*, and must give a Certificate, specifying the Owner and Buyer, and the Place and Time of the Removal, *viz.* That 'tis to be removed from such a Place, and within a Time by him limited.

* But if carried away, then 3 s. for every Pound-weight.

If the Wool be removed from the Place where first lodged after Sheering, it shall not be lodged again within fifteen Miles * of the Sea, under the like Penalty, *viz.* forfeited if found, and likewise 3 s. for every Pound-weight.

Persons residing within fifteen Miles of the Sea, either in *Kent* or *Sussex*, shall not buy Wool before they enter into Bond to the King, with Sureties not to sell the said Wool unto any Person within fifteen Miles of the Sea; and if such Wool is carried towards the Sea-side and not entered, and no Security given, 'tis forfeited, and likewise 3 s. for every Pound-weight.

Concealing Wool within fifteen Miles of the Sea, and not entering it, such Wool shall be seized and forfeited, and the Persons claiming it must give Security to the *Exchequer* (if cast upon a Trial) to pay treble Costs over and above the Penalties and Forfeitures.

The Forfeitures are to be divided, *viz.* One Third to the King, the other two Thirds to him who seizes or sues for the same.

The King may order Prosecution at any Time within three Years.

The general Issue may be pleaded, and the special Matter given in Evidence; and if the Plaintiff is cast or discontinues, he pays treble Costs.

10 & 11 Will.
c. 19.

The Woollen Manufactures entcreasing in *Ireland*, and in the *English* Plantations in *America*, and being exported from thence to Foreign Markets, which were formerly supplied from *England*; therefore a Law was made, *Anno* 10 & 11 *Will.* to prohibit the Exportation of these Goods following from *Ireland*:

Bays,

Bays,
Cloths,
Cloth-Serges,
Druggets,
Drapery-Stuffs,
Frizes,
Kerseys,
Mortlings,
Says,
Shalloons,

Serges,
Shortlings,
Wool,
Woolfels,
Woolstocks,
Woollen Manufactures,
Worsted Bays,
Woollen Yarn, or made, or mingled therewith.

The Penalty for the Exporter, and for those who load or cause to be loaden on an Horse, Cart or Carriage, or on Board any Vessel in any Part of *Ireland*, to the Intent to export the same (except into *England*) is Forfeiture of the Goods, and 500 *l.* for every Offence.

But such Goods may be transported

From { *Cork,*
Drogheda,
Dublin, } *King'sale,*
Waterford,
Youghal, } in *Ireland*.

To { *Barnstaple,*
Biddisford,
Bridgewater,
Bristol, } *Chester,*
Liverpool,
Milford-Haven,
Minehead, } in *England*.

So as Notice be first given to the Commissioners of the Customs here, or to the Customer or Collector in the Port, to which the same is intended to be brought.

Of the { *Quality.*
Quantity.
Package.
Marks.
Number thereof.
Name of the Ship.
Name of the Master.
Place or Port.
Where intended to be brought.

And Bond entered in to the King, with one or more Sureties, to treble the Value of the Goods, that the same (Danger of Seas excepted) shall be landed accordingly.

And there must be a Licence under the Hands of three of the Commissioners, or under the Hand of the Chief Customer

or Collector of the Port where the Bond is given, for the landing and importing such Wool, &c.

And to prevent the Exportation of Wool out of *England* or *Ireland*; the Lord Admiral is to appoint two Fifth and two Sixth Rates, and eight armed Sloops, constantly to cruise on the Coasts of *England* and *Ireland*; and to encourage the Commanders and Seamen, they are to seize such Ship and Wool, and they are declared to be forfeited; and they are to lodge the Wool in the King's Warehouse, in such Port where it shall be seized or brought, until it shall be condemned, and then the Wool, Ship and Tackle shall be exposed to Sale by Inch of Candle, there being first Notice given thereof in Writing twenty-one Days, both at the Custom-house of the said Port, and on the *Royal Exchange* in *London*; and one fourth Part of the Money shall be to the Commander; another fourth Part to the Officers of the Ship that took the Prize; another fourth Part to the Seamen, and the rest to the King.

And every Commander neglecting his Duty, or compounding for any Wool or Ship taken, or conniving at Exportation of Wool, forfeits all his Pay, must be committed for six Months, and made incapable for ever of serving the King at Sea.

Then there is a Clause, prohibiting the Exportation of Wool, Yarn, &c. being of the Product or Manufacture of the *English* Plantations in *America*, under severe Penalties. See the Act at large.

11 & 12 Will.
c. 31.

But some Disputes having arisen concerning the Act before-mentioned; therefore by another Act made in the very next Year, 'tis declared, That that Act shall not subject any Person or Vessel to the aforesaid Penalties, for or concerning such Woolfells as shall be necessary for the Gunner or Boatwains Stores, or for such other Woollen Manufactures as shall be for the proper Use for Cloaths of Seamen or Passengers for their own Wearing, and shall not exceed above 40 s. for one Mariner.

And by the Statute 5 G. c. 11. 'tis enacted, That after the 24th of *June* 1719. all such Wools and other the Commodities mentioned in the Act 10 Will. c. 10. which shall be brought, carried, or laid on Shore at or near the Sea, or any navigable River, to be exported out of *Ireland*, shall be forfeited, and the Offender shall be liable to the like Penalties as Persons by that Act are to incur for exporting or shipping of Wool contrary to that Act, and to be recovered and distributed as other the Pains in the said Act.

Working in
Wool, 1 Annæ.

But as it is necessary to prohibit the Exportation of Wool, so 'tis requisite to prevent any Fraud which may be committed by Persons working in the Woollen Manufacture; and therefore by a late Act 'tis provided, that any Person employ'd in working Wool, Linen, Fustian, Cotton or Iron Manufactures, and who shall imbezil or purloin,

Cotton,

Wool and Woollen Cloth.

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Cotton,	Iron,
Ends of Yarn,	Materials of Wool,
Flax,	Thrumms,
Hemp,	Wests,

with which he shall be intrusted to work on, or shall reel short or false Yarn, shall forfeit double the Value of the Damages done, to the Use of the Poor of the Parish where done: Conviction is to be before one Justice by the Oath of one Witness, or by the Confession of the Party accused.

If the Offender refuse to pay the Forfeiture, the Justice may commit him to the House of Correction until he pay it; and if it shall appear to the Justice that he is not able to make Satisfaction, then he shall be there whipped, and kept to hard Labour, not exceeding fourteen Days.

Buying or receiving any of these Goods before-mentioned incurs the like Penalty, and must be convicted as before.

By the Statute 1 *Georgii* all mixt and medley Cloth shall be put into Water, and measured by two indifferent Persons, to be chosen by the Buyer and Seller; and if they do not agree, then a third Person shall be chose; and if he refuse, then, if in *London*, the Keeper of *Blackwell-hall*; and if elsewhere, then a fit Person to be appointed by the chief Magistrate shall determine the Measure, and shall be paid 6 *d.* by the Buyer; and if 'tis less in Length or Breadth than is mentioned in the Seal, the Maker or Seller shall forfeit the sixth Part of the Value to be paid by the Buyer, and to be deducted out of the Price.

Millman refusing to take an Oath truly to measure, or neglecting to fix a Seal at every Broad-Cloth-Head, before carried from the Mill; or any Person counterfeiting the Seal afterwards, and before the Cloth is sold, forfeits 20 *l.* in Lieu of 20 *s.* by a former Act, *which see in Title Cloth.*

These Offences to be determined as in that Act.

Forfeitures, if in *London*, to be paid to *Christ's Hospital*; if elsewhere, then to the Poor of the Parish where the Offence shall be discovered; the Offender refusing to pay after Demand, and within thirty Days after Conviction, the Justice before whom he was convicted, or where the *Millman* liveth, may levy it by Distress, &c. and where that cannot be had, commit to the Gaol for three Months. Prosecution must be within forty Days after the Offence discovered.

By the Statute 4 *G. c. 11.* 'tis enacted, That if any Person shall be in Gaol after the 20th of *January* 1717, for unlawful Exportation of Wool, and who shall refuse to appear and plead to a Declaration or Information, to be delivered to the Gaoler, for

1 *Geo. c. 17.*
This Act doth
not extend to
Cloth made in
Yorkshire.
See Title
Cloth.

4 *G. c. 11.*

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Cotton,

Wool and Woollen Cloth.

for the Space of one Term, Judgment shall be had against him by Default; and if that or a Verdict be against him, and he do not pay the Money within three Months after entering up the Judgment, the Court shall cause him to be *transported* for seven Years; and if he returns before the Time is expired, he shall suffer as a Felon without Benefit of Clergy.

And by a Statute 12 Geo. 1. c. 32. for preventing unlawful Combinations of Workmen in the Woollen Manufacture and better Payment of their Wages, they are to be paid in Money only on Penalty of 10 *l.* which by 13 Geo. c. 23. is to be sued for within three Months after the Offence committed.

And the said Stat. 13 Geo. c. 23. being made for better regulating the Woollen Manufactures, provides for the Length of warping Bars, Thrums and Chains, on Penalty of 10 *l.* and that all Wool, &c. be given out by Weight at 16 Ounces to the Pound, on Pain of 5 *l.* and no Clothier, &c. to use Ends of Yarn, &c. in the making up of Cloth on like Pain. Offences to be heard, &c. by two Justices on Oath within three Months after the Offence, the Penalties to be levied by Distress and Sale, one Moiety to the Informer, and the other to the Poor. If no Distress, Commitment for six Months, or till Satisfaction.

Disputes relating to Wages or Damages to be determined by two Justices, who may summon the Parties, examine on Oath, adjudge Satisfaction, and give such Costs and Damages as they think fit, and issue Warrants to levy it by Distress, &c. if not paid in ten Days, or commit for three Months, or till Satisfaction.

But Appeal lies from the Justices Order to the Sessions, whose Award is to be final, and no *Certiorari* lies.

One Justice, on Information of ill Practices, may issue Warrants to search, and Constables may search End-gatherers, &c. and carry them before a Justice, &c. See the *Act*.

And the Justices of Gloucester, Wilts and Somerset to appoint Inspectors, &c. in the said Counties. See there their Duty, &c.

The *Act* for
Burying in
Woollen.

30 Car. 2. c. 3.

† It must be
taken before
a Justice of
Peace, Master in Chancery, Mayor, Bailiff, or chief Officer, &c. And per
32 Car. 2. before the Parson, Vicar and Curate, except where the dead Person
is buried.

Every Corpse must be buried in Woollen, on Pain of five Pounds to the Poor of the Parish where buried, and to the Prosecutor.

Ministers must keep a Register of Burials, and some Person within eight Days after the Burial must give an † Affidavit to the Minister, that the Person was buried in Woollen, &c.

Peace, Master in Chancery, Mayor, Bailiff, or chief Officer, &c. And per 32 Car. 2. before the Parson, Vicar and Curate, except where the dead Person is buried.

If such Affidavit is not brought, then five Pounds may be levied by Warrant from one Justice.

1. On the Goods of the Party deceased; and if he hath none.
2. On the Goods of the Person in whose House he died.
3. Or on the Goods of any who had a Hand in putting him into the Coffin, or that ordered the same.
4. And if a Servant, dying in his Master's Family, then on the Master's Goods; and if a Child, then on the Parents Goods.

But in this Case, the Minister must give Notice, and certify under his Hand to the Church-wardens or Overseers of the Poor, That no such Affidavit was brought to him within the Time limited in the Statute.

Then the Church-wardens, &c. may within eight Days after such Notice, bring the Certificate of the Minister to the Justice of Peace, who thereupon grants a Warrant to levy the Forfeiture.

Ministers and Magistrates neglecting their Duties, forfeit five Pounds for every Offence; to be recovered by Action of Debt, Bill, Plaint or Information, so as to be commenced within six Months after the Offence; one Fourth to the King, two other Parts to the Poor, &c. where the Offender dwells, the other fourth Part to the Informer.

The Form of a Certificate of the Minister where no Affidavit was brought.

To the Church-wardens and Overseers of the Poor of the Parish of, &c.

Suffex, to **I** G. W. Rector of R. in the County aforesaid, do wit, hereby certify unto you, That E. A. was buried in the said Parish of R. on Thursday the twenty-first Day of this instant April, and that within eight Days next after the said Burial no Affidavit was brought to me concerning the Burial of the said E. A. in Woollen, pursuant to the Statute in that Case made and provided. Witness my Hand the thirtieth Day of April, &c.

A War-

A Warrant to levy the five Pounds:

To the Constable and Headborough of, &c.

Suffex, to **W** Hereas I have received a Certificate under the
 wit, Hand of G. W. Rector of the Parish of R.
 in the County aforesaid, bearing Date the thirtieth Day of, &c.
 That E. A. was buried in the said Parish on Thursday, &c.
 and that the said G. W. had not received an Affidavit within
 eight Days afterwards, that the said E. A. was buried or
 wrap'd in no other Materials but Sheeps Wool only, pursuant to
 the Statute in that Case made and provided: These are there-
 fore to require you forthwith to levy the Sum of five Pounds of
 lawful Money, by Distress and Sale of the Goods and Chattels of
 the said Deceased; and that you apply one * Moitry thereof to the
 Use of the Poor of the said Parish of R. where the said E. A.
 was buried. Given under my Hand and Seal, &c.

* Other Moitry
 to the Pro-
 secutor.

Workhouses. See Poor.

Wreck'd Ships, Goods, &c.

21 A. Sect. 2.
 c. 18.

T HIS Statute reciting those of 3 Edw. 1. and 4 Ed. 1.
de officio Coronatoris (of the Office of a Coroner) con-
 cerning Wrecks, enacts, That the Sheriffs, Justices of Peace,
 Mayors, Bailiffs, and other Head Officers of Counties, Ci-
 ties, Towns, &c. near the Sea, and all Constables, Head-
 boroughs, Tithing-men, and Officers of the Customs, shall
 on Application made by, or on Behalf of any Commander or
 Chief Officer of any Ship or Vessel in Danger of being strand-
 ed or run on Shore, command the Constables of the several
 Ports nearest the Sea-Coasts, to summon and call together as
 many Men as shall be thought necessary for the Defence and
 Preservation of such Ships, &c. and their Cargo's.

And if any Man of War, or Merchant Ship, be at Anchor
 near the Place, the Officers of the Customs and Constables a-
 foresaid, are to demand of the Superior Officers of such Ships,
 Assistance by their Boats, and such Hands as they can spare,
 for the Service and Preservation of the Ship in Distress. And
 if such Officer shall refuse such Assistance, he forfeits 100 l. to
 the Superior Officer of the Ship in Distress, to be recovered

with

with Costs of Suit in any Court of Record, by Action of Debt, Bill, &c. and no Essoin, &c.

But such Officers of the Customs, Commanders of Ships, &c. Charges of
so employed in preserving such Ship or Cargo, shall within Salvage to be
thirty Days after be paid a reasonable Reward for the same by allowed.
the Commander, Master or Owner of the Ship in Distress, or
by the Merchant whose Ship or Goods were saved; and in De-
fault, the said Ship or Goods shall remain with the Officer of
the Customs, or his Deputy, till all Charges be paid; and the
said Officer and Deputy, and the Master and Mariners of the
Ship assisting, be reasonably gratify'd, or good Security given
for the same.

And if after such Salvage, the Commander, Mariners, or 3 Justices to
Owners of the Ship saved, or Merchant whose Goods were adjust the
saved, shall disagree with the Officer of the Customs, or his Quantum.
Deputy, touching the Monies deserved by any of the Persons
employed, the said Commander of the Ship saved, or Owner
of the Goods, or Merchants interested therein, or the Officer
of the Customs, or his Deputy, may nominate three neigh-
bouring Justices, who shall adjust the *Quantum* of the Monies
or Gratuities to be paid to the several Persons employed: And
such Adjustment is to be binding to all Parties, and recover-
able by Action in any of the King's Courts of Record by the
Persons to whom allotted.

And if no Person makes claim to any of the Goods saved, If no Claim;
the Chief Officer of the Customs of the nearest Port shall ap- Goods to be
ply to three of the nearest Justices, who shall put him or some sold, and the
other responsible Person in Possession of the Goods, the Justices Money paid
taking an Account of the same, to be signed by the said Offi- in to the Ex-
cer: And if the Goods are not claimed within twelve Months chequer.
after by the right Owner, they shall be publickly sold; or if
perishable, presently sold; and after all Charges deducted,
the Residue of the Monies, with a fair and just Account of the
Whole transmitted to the Exchequer, there to remain for the
Benefit of the Owner, when appearing, who on Affidavit or
other Proof of his Property thereto, to the Satisfaction of one
of the Barons of the Coif there, shall upon his Order receive
the same out of the Exchequer.

And if any Persons, besides those impowered by the Officer Ships in Di-
of the Customs or his Deputy, and Constables, &c. shall enter stress not to be
or endeavour to enter any such Ship without Leave of the entred without
Commander thereof, or shall impede or hinder the Saving Leave.
such Ship or Goods; or when such Goods are saved, shall
take out or deface the Marks thereof, before taken down in
Books, to be provided by the Commander and Chief Officer
of the Customs, such Person shall within twenty Days make
double Satisfaction to the Party grieved at the Discretion of
two next Justices; or in Default, be sent by such Justices to
the

Wreck'd Ships, Goods, &c.

the House of Correction to hard Labour for twelve Months ensuing: And any such Commander, Officer of Customs, Constables, &c. on Board such Ship, may repel by Force, any that without Leave, *ut supra*, shall press on Board, or molest them in preserving the said Ship, &c.

If any Goods be stoln, or carried off out of such Ship, they are immediately to be delivered up to the Owner, &c. or in Default forfeit treble the Value; recoverable by Action at Law.

Felony.

And making Holes in such Ship, or stealing the Pump, or doing any Act tending to the immediate Loss of the Ship, is Felony without Benefit of Clergy.

The General Issue may be pleaded to any Action brought for any Thing done in Pursuance of this Act, and this Act and the special Matter given in Evidence; and if the Plaintiff be Nonsuit, or forbear Prosecution, or discontinue, or a Verdict be against him, or Judgment on Demurrer, the Defendant is to have full Costs, recoverable as if awarded by Law.

This is to be a publick Act; and all Judges and Justices to take Notice thereof, without special Pleading the same.

Custom-House Officers abusing their Trust in the Premises, and thereof convicted in Form of Law, are to forfeit treble Damages, recoverable in any Court of Record, and be disabled of Office.

The Act to be read four Times in the Year on *Sundays* in Sea-port Towns, and to commence 1 *Aug.* 1714, and continue three Years, and thence to the End of the next Sessions of Parliament.

Note; A Clause is therein that saves all Claims of the Crown and its Patentees, Lords of Manors, &c. to any Wreck or Wrecks, or Goods that are *Flotsam*, *Jetfam*, or *Lagan*.

4 G. c. 12.

The aforesaid Act 12 *Annæ*, is now made perpetual, and 'tis farther enacted, That nothing in that Act shall affect the antient Jurisdiction of the Admiralty Court of the Cinque Ports, but that the Officers thereof shall put the said Act in Execution within their Cinque Ports.

5 G. c. 11.

And by a subsequent Act it is enacted, That Goods saved out of any stranded Ship forced on Shore, not being wreck'd Goods, or *Jetfam*, *Flotsam*, or *Lagan*, shall, after Charges of Salvage and other Charges paid, be liable to pay Customs.

By 11 *Geo.* 1. c. 29. Owners or Mariners wilfully casting away, burning or destroying the Ship or Vessel of which he is Owner or belongeth to, or procuring, &c. to prejudice Under-writers of Policies, or Merchants or Owners, &c. being convicted, shall suffer as in Cases of Felony without Benefit of Clergy; and if the Offence is committed within the Body of any County of this Realm, the same shall be

Wreck'd Ships, Goods, &c. Yorkshire.

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there tried; but if committed on the High Seas, it shall be tried before such Court, as by 28 H. 8. c. 15. entitled, *for Pirates*, is directed.

See the 9 Geo. 2. c. 15. for more equal paying and better collecting certain small Sums for Relief of shipwrecked Mariners, &c. at Cadiz and Port St. Mary's in Spain.

Yorkshire.

THE *West-riding* of *Yorkshire* is the chiefest Place in the *North of England* for Woollen Manufacture, and most of the Traders in Wool there are Freeholders; but because there was no Register, they found it difficult to borrow Money on Land Securities; which though really good, yet did not satisfy the Lenders; therefore a Law was made, for a publick Register to be kept at *Wakefield*, in which a Memorandum of all Deeds and Wills were to be registred at the Election of the Party, and those which were not registred should be accounted fraudulent.

That the Register should be chosen by Ballotting; that is, every Freeholder of 100 l. *per Annum*, should put in a Glass Vessel the Name of him that he would have chose.

That the Justices of the *West-riding*, for that Purpose assembled, should be the Scrutators of the Ballot, or the major Part of them, or any Five they shall appoint.

That three Justices, &c. must swear the Register, and two may swear his Deputy; and that when the Register is sworn, he must immediately enter into a Recognizance of 2000 l. with two Sureties before five Justices, for the true Performance of his Office.

The Recognizance must be transmitted by the five Justices, within one Month after the Date thereof, to the Remembrancer's Office; and these five Justices must approve of the Sureties under their Hands and Seals; which Approbation must be registred at the next Sessions. See the Act at large.

And by the 8 Geo. 2. c. 6. the like is enacted for the publick Registring of Deeds, &c. within the *North-riding* of the County of *York* after the 29th Day of September 1736.

By the Stat. 7 Anna, If any Clothier make Cloth in *Yorkshire*, or expose to Sale broad Cloths, which after well scoured and milled, shall be less than five Quarters and an Half within the Lists, and an End or half Cloth less than twenty-three Yards in Length, and a long or whole Cloth less than forty-six Yards in Length, and any whole thick Kerseys and whole thick Plains less than seventeen Yards and an Half long, and three

Quarters and an Half broad when fully wet, shall forfeit 20 s. for every Inch wanting in the Breadth; and for every Yard the *long Cloths* shall exceed forty-six Yards, and the *half Cloths* shall exceed twenty-three Yards, and for every Half Yard the *thick Kerseys* and *thick Plains* shall be shorter than seventeen Yards and an Half.

Mill-man in *Yorkshire* not fixing a Seal of Lead riveted and stamped with his Name at each End of the Cloth before it is carried from the Mill, containing the Number of Yards and Inches in the Cloths in Length and Breadth when whet, scour- ed and milled; or if any other Person take off, deface, coun- terfeit, or alter the Figures before the Cloth is exported or sold to Retailers, or stretch a Piece of Woollen Cloth more than an Inch in Breadth in a Quarter of a Yard, or a Piece of Broad Cloth more than a Yard in Length in twenty Yards, or the *whole thick Kerseys*, and *whole thick Plains*, more than Half a Yard in every seventeen Yards and an Half; or any *Fuller* milling or fulling in one Stock at the same Time, more than one *whole Broad Cloth*, or two *half Broad Cloths*, shall for every Offence forfeit 20 s.

1 The Conviction is to be by the Oath of any Searcher of Cloth for *Yorkshire*, or by the Oath of one Witness before a Justice, &c. who is neither a Merchant, or Trader in the Woollen Manufacture.

The Forfeiture, if not paid within seven Days after Con- viction, to be levied by Distress and Sale of Goods, by a War- rant of the Justice, &c. before whom the Offender was con- victed; one Moiety to the Informer, the other to the Poor of the Parish, &c. and if no Distress can be taken, then to be sent to the common Gaol or House of Correction, there to be kept to hard Labour for any Time not exceeding one Month.

The Penalties must be inflicted within ten Days after the Offence committed or discovered.

The Party grieved may appeal to the next Quarter-Sessions, and they may allow Costs.

If an Action is brought, &c. the Defendant may plead the General Issue, and give the Act and the Special Matter in Evidence; and if he recover, shall have treble Costs.

This is a publick Act.

1 Geo. c. 17.

By the Stat. 1 Geo. all *Yorkshire* Cloths, called *whole thick Kerseys*, *whole thick Plains*, *Huggabags*, and *broken quilled Kerseys*, shall not be under eighteen Yards in Length, and no less than three Quarters and an Half broad by the Standard Yard-Wand, when fully wet, and shall be sealed as *Yorkshire* Cloths are directed by the Act 7 *Annæ*, and under the same Penalties.

Any Clothier, &c. exposing Cloths to sell, wanting one Inch in Breadth, or Half a Yard in Length, forfeits 20 s. or stretching them above an Inch in a Quarter of a Yard, or above Half

Yorkshire.

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Half a Yard in Length, forfeits the like; or *fixing a Mark* on it; other than his own Christian and Surname; and Place of Residence; forfeits 50 s. to be levied as mentioned in that Act.

The Penalties must be inflicted within twenty-one Days after the Offence done or discovered.

The Party grieved may appeal to the next Quarter-Sessions, whose Determination shall be final, and they may give Costs.

A Warrant to levy the 20 s. per Inch.

To the Constable, &c.

Yorkshire; to **W** Hereas A. B. of, &c. in the County aforesaid, *said, Clothier, was duly convicted before me T. R. Esq; one of his Majesty's Justices of the Peace for the said County, and neither a Merchant or Trader in the Woollen Manufacture, that he the said A. B. did, on the * 24th Day of July, make in the Parish of W. in the said County of York* *† one Broad Cloth, commonly called an End or half Cloth, which after it was scoured, and fully milled, was and is one Inch less in Breadth than five Quarters and an Half by the Standard Yard-Wand, within the Lists in the Water, being fully wet, by Reason whereof he hath forfeited 20 s. These are therefore to require you forthwith to levy the said Sum of 20 s. on the Goods and Chattels of the said A. B. by Distress and Sale thereof, rendering to him the Overplus, if any shall be; after just Charges for taking the said Distress, and that you pay one Moiety thereof to R. B. who first informed me of the said Offence, and the other Moiety to the Church-wardens and Overseers of the Poor of the Parish of W. where the same was done, for the Use of the Poor of that Parish. Given, &c.*

* This must be within ten Days before the Date of the Warrant.
† Or as the Offence is.

By 8 Geo. I. c. 27. Micklegate Market within the City of York shall be a free and open Market for Butter every Day except Sundays.

All Butter brought to the City in Firkins, half Firkins, &c. to be sold or Water-born from the said City, &c. shall be brought to the Market to be viewed, searched; weighed, and sealed with the Seal of the Market, and every Firkin, half Firkin, &c. shall pay one Half-penny; and so in Proportion, &c. and in Case of Refusal the Mayor may detain any Firkin, &c. till paid.

If any Person shall sell or transport any Butter before it be brought to the Butter Market to be viewed, &c. he forfeits 3 s. 4 d. for every Firkin, &c. and in Default of Payment on Demand, the same may be levied by Distress and Sale of

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the

the Offender's Goods, restoring the Overplus (the Charges being deducted), one Moiety to the Poor, and the other to the Informer.

If any Firkin, &c. shall be found Faulty, the Owner, &c. shall be liable to the Forfeiture in the 13 & 14 Car. 2. c. 20.

Prosecutions to be within four Months, and the Party grieved may appeal to the next General Quarter-Sessions, whose Determination shall be final, and they may award Cost.

The Warrant to levy 3 s. 4 d. for selling a Firkin of Butter contrary to the said Act 8 Geo. 1.

To the Constable, &c.

City of York, **W** Hereas A. B. of, &c. was duly convicted to wit, before me C. D. Esq; one of his Majesty's Justices of the Peace for the said City of York, that he the said A. B. did on the tenth Day of, &c. sell one Firkin of Butter after the same was brought to the said City, and before the same was brought to the Butter Market to be viewed, &c. by Reason whereof he hath forfeited the Sum of 3 s. 4 d. pursuant to the late Act of Parliament in that Case made and provided: These are therefore to require you forthwith to levy the said Sum of 3 s. 4 d. on the Goods and Chattels of the said A. B. by Distress and Sale thereof, rendring to him the Overplus (if any shall be), after just Charges for taking the Distress; and that you pay one Moiety thereof to E. F. who first informed me of the said Offence, and the other Moiety to the Church-warden and Overseers of the Poor of the Parish of, &c. where the said Offence was committed, for the Use of the Poor of that Parish. Given under my Hand and Seal, &c.

See 11 Geo. 1. c. 24. also 12 Geo. 1. c. 34. and 13 Geo. 1. c. 23. See Title Wool and Woollen Cloth.



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T A B L E

OF THE

C O N T E N T S

In the FIRST VOLUME.

THE Introduction, and herein, That by the Common Law, the King is Chief Justice of England, the great Officers of State, Justices of the King's Bench, Master of the Rolls, Chamberlain of Chester, Justices of the Common Pleas, Barons of the Exchequer, Stewards of the Sheriff's Tourn, of a Leet, and of a Court of Piepowder, the Sheriff, Coroner, and Constables, &c. are Conservators of the Peace. Page ix to xii

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FINIS.

THE AP.



THE APPENDIX,

Shewing in a SUMMARY WAY,

The Power of one Justice alone, and of two or more, and so on in an Alphabetical Order.

N. B. Wherever the Words [One,] [Two,] or [Three,] &c. appear in the Old Black Letter, it signifies that the Business is to be performed by such Number of Justices.

Offences.

Abjuration.

Penalties.

[One] **M**AY require a Popish Recusant, being no Feme Covert; nor having Land, worth 20 Marks per Ann. or Goods worth 40 l. Stat. 35 Eliz. c. 2. Sect. 8.

To abjure the Realm before two Justices.

[Two] *Popish Recusants* (not being Feme Coverts, nor having Lands worth 20 Marks per Ann. or Goods worth 40 l.) who do not, within 40 Days after Conviction, repair to their usual Dwelling; or if they have

Shall before them or the Coroner, if required by the Bishop, one Justice or the Minister of the Parish, abjure the Kingdom, which abjuration is to be certified to the next Assizes, or Gaol-delivery.

Vol. II.

[A]

And

Abjuration. Alamodes and Lustrings.

Penalties.

Stat. 35 *Eliz.* c. 2. Sect. 8, 9.

Stat. 6 Ann. c. 14. Sect. 7.

Quor. I.

And on Refusal, certify the Christian Name, Surname, and Place of Abode, to the next Quarter-Sessions; If he takes it not next Term or Sessions after Certificate, is a Popish Recusant convict.

In all Cases where-ever the Effect of the Abjuration Oath may be legally tendered or required of Quakers upon their solemn Affirmation; they are to take it in the Form directed by the Stat. 1 Geo. c. 6. Sect. 3.

[Qu. Sess.] Note; A Feme Covert shall not be compelled to abjure. Every other Offender who abjures, or being required, refuseth so to do, shall forfeit all his Goods, and his Lands during Life.

Stat. 35 *Elix.* c. 1. Sect. 12.

Glamores and Lustrings.

[One.] **T**O grant a Warrant to search for, and seize prohibited Alamodes and Luffings, upon Oath of one or more credible Persons, that they have Reason to suspect, or believe, that there are some of the said Silks fraudulently imported.

Stat. 9 & 10 W. 3. c. 43. Sect. 5.

Ale and Beer. Vide Alehouses, and Weights and Measures

Alehoules.

A P P E N D I X

Alehouses. See Beer.

Offences.

[One] **A** Alehouse-keepers, Inn-keepers, Vintners or Victuallers, suffering any of the same Parish to sit tippling in their Houses.

Stat. 1 Jac. 1. c. 9. Sect. 2.

21 Jac. 1. c. 7. Sect. 2.

1 Car. 1. c. 4. Sect. 1.

One Witness, View, or Confession; and after confession his Oath may convict others.

Alehouse-keepers, Inn-keepers, or Victuallers, selling less than one Quart for a Penny.

Stat. 1 Jac. 1. c. 9. Sect. 3.

Stat. 21 Jac. 1. c. 7. Sect. 1.

Conviction *ut supra*.

Alehouse-keeper, Inn-keeper, Vintner or Victualler, suffering any Person whatsoever to sit tippling in his House.

Stat. 1 Jac. 1. c. 9. Sect. 2.

21 Jac. 1. c. 7. Sect. 2.

1 Car. 1. c. 4. Sect. 1.

View, or two Witnesses.

Parishioners, or others, who sit tippling in any Alehouse, Inn, Tavern, or Victualling-house.

Stat. 4 Jac. 1. c. 5. Sect. 5.

21 Jac. 1. c. 7. Sect. 2.

View, or one Witness.

Ale-house-keeper, convicted of Drunkenness.

Stat. 21 Jac. 1. c. 7. Sect. 4.

Conviction, *ut supra*.

Keeping

Penalties.

Ten Shillings to be levied by Distress and Sale after six Days, and for Want of Distress, to be committed until Payment.

Disabled for three Years to keep any Alehouse.

If Constables or Church-wardens do not levy the Penalty, or not certify the Want of Distress within 20 Days, forfeit 40 s. to be levied *ut supra* for the Poor.

Twenty Shillings, to be levied *ut supra*, and so employed.

And disabled, *ut supra*.

Constable, &c. punished, *ut supra*.

Note; This suspended during the Continuance of the additional Excise: By 1 W. & M. c. 24. Sect. 8.

Ten Shillings to be levied, employed, and disabled, *ut supra*.

Three Shillings and four Pence, to be levied and employed, *ut supra*, to be paid in a Week; if not able, to sit in the Stocks four Hours.

Alehouse-keepers, &c. disabled three Years.

Constables, &c. neglect, 10 s. to be levied, *ut supra*, and so employed.

Disabled to keep an Alehouse for three Years.

A P P E N D I X.

Offences.

Alehouses.

Penalties.

Keeping an Alehouse without Licence.

Stat. 3 *Car.* 1. c. 3. Sect. 2.

View, Confession, or two Witnesses.

The Offender punished by this Act, not to be punished by 5 & 6 *Ed.* 6. c. 25.

Twenty Shillings to the Poor, to be levied *ut supra*, and for Want of Distress, whipp'd, for *first* Offence.

Second, committed to House of Correction for a Month.

Third, not enlarged but by Order of Sessions.

The Officer neglecting his Duty, imprisoned without Bail, or pay 40*s.* for the Poor.

Selling Ale and Beer in Vessel not sign'd and marked with W. R. and Crown, according to the Standard in the *Exchequer*, or City of London, and not full Measure.

Stat. 11 & 12 *W.* 3. c. 15. Sect. 1.
One Witness.

Not above Forty Shillings, nor under Ten, to be levied by Distress and Sale.

One Moiety to the Poor, the other to the Prosecutor.

[Two] To License Alehouses, and take Recognizances, with Sureties, for good Order in the same; for which take 12*d.* and no more.

Stat. 5 & 6 *Ed.* 6. c. 25. Sect. 1.
Quor. 1.

To certify such Recognizances the next Quarter-Sessions.

But no new Licences are now to be granted, but at a general Meeting of Justices, by Stat. 2 *G.* 2. c. 28.
Vide post. p. 9 & 10.

Mayors, Town-Clerks, and others whom it concerns, to make, or cause, &c. Ale Licences duly stamp'd, before new Recognizances taken.

Stat. 6 *Geo.* c. 21. Sect. 54.

Ten Pounds for every Offence.

To remove, discharge, and put down any Alehouse they shall think fit, &c.

Stat. 5 & 6 *Ed.* 6. c. 25. Sect. 1. *Quor.* 1.

Persons keeping Alehouses, or selling Beer and Ale without Licence.

Stat. 5 & 6 *Ed.* 6. c. 25. Sect. 4.
Quor. 1.

To be committed for three Days without Bail; and a Recognizance, with two Sureties (before discharged) not to offend again.

This to be certified to Quarter-Sessions, which is sufficient Conviction to fine him 20*s.*

This extends not to Fairs.

[Qu, Sell.]

Six

A P P E N D I X.

Offences. Alehouses. Annuitant, &c. Penalties.

[An. Sect.] Persons selling Ale or Beer to an unlicensed Alehouse-keeper, save for Expence of his Household.

Stat. 4 Jac. 1. c. 4. Sect. 1.

The Officer who levying the Poor's Moiety, and not delivering it to the Church-wardens and Overseers; and they not distributing it to the Poor.

Stat. 4 Jac. 1. c. 4. Sect. 5.

Six Shillings and eight Pence a Barrell.

One Moiety to the Prosecutor, the other to the Poor.

Double the Value of the Moiety.

Note; The Act 12 Geo. 1. which grants a Duty (not less than 20 s. nor more than 6 l. yearly) payable by Victuallers within the Weekly Bills, and leviable by special Commissioners authorized to grant Permissions or Licences for retailing Beer and Ale, (the not taking out whereof incurs the Penalty of 20 l.) doth not restrain or diminish the Power of Justices of Peace there, in licensing and regulating Inn-keepers, Victuallers, and Retailers of Beer and Ale.

Stat. 12 Geo. 1. c. 12. Sect. 12. See Sect. 9.

And all Fines, &c. are to be levied according to the Laws of Excise, (See Tit. Excise.)

Ibid. Sect. 11.

But now, no new Licence to keep Inns or Alehouses, or to retail Brandy or Strong-Waters is to be granted, but at a general Meeting of the Justices of the Division where the Party resides.

Stat. 2 Geo. 2. c. 28. Sect. 10.

Yet Licences already granted are to subsist and be valid until the 1st of September 1730. Nor is the Method or Power of granting Licences for Inns, Alehouses, or Brandy Shops, in any City or Town Corporate, hereby altered.

Stat. 2 Geo. 2. c. 28. Sect. 11.

See also Tit. Drunkenness.

Annuitant, &c.

[One] **T**O take an Oath, that the Nominee of the Annuitant was alive on the Day the Payment became due.

Stat. 2 Ann. c. 3. Sect. 23.

A P P E N D I X

Offences. Annuitant, &c. Apprentices. Penalties.

To take an Affidavit of the due Execution of an Assignment, or a Will made of an Annuity pursuant to

Stat. 4 Ann. c. 6. Sect. 28.

5 Ann. c. 19. Sect. 22.

6 Ann. c. 5. Sect. 15.

Vide Army Debentures.

Apprentices.

[One] Persons fit to make Apprentices, refusing to serve on Demand.

Stat. 5 Eliz. c. 4. Sect. 35.

To be committed till they shall be willing to serve.

To reconcile Differences between Masters and Apprentices: And if he cannot.

Stat. 5 Eliz. c. 4. Sect. 35.

To bind over the Master to the Quarter-Sessions.

An Apprentice departing from his Master's Service into another Country.

Stat. 5 Eliz. c. 4. Sect. 47.

To direct a *Capias* to the Sheriff, or other Chief Officer, for his Apprehension; and being taken, to commit him till he gives good Security to serve out his Time.

To convey poor Parish-Boys bound Apprentices, or turned over to Seamen, to the Port to which their Master belongs, as Vagrants are to be sent by 11 & 12 W. 3. c. 18.

Stat. 2 Ann. c. 6. Sect. 10.

[Two] To consent to binding Boys Apprentices till 24, and Girls till 21, or Marriage.

Stat. 43 Eliz. c. 2. Sect. 5.

Quor. 1.

Persons trusted with Monies to put out Apprentices, to account in *Easter-Week* yearly, before the two next Justices.

Stat. 7 Jac. 1. c. 3. Sect. 6.

Persons

A P P E N D I X

Offences.

Apprentices.

Penalties.

Persons refusing to take an Apprentice put out by the Consent of two Justices, according to 43 Eliz.

Stat. 8 & 9 W. 3. c. 30. Sect. 5.

Ten Pounds to be levied by Distress and Sale, to the Use of the Poor.

An Appeal lies to the Quarter-Sessions.

To consent to Church-wardens and Overseers of the Poor, binding and putting out to Sea-Service any Boy of ten Years of Age, who is chargeable, or whose Parents are chargeable to the Parish, or who shall beg for Alms, till he comes to 21; his Age to be mentioned in the Indenture, and fifty Shillings to be given with him.

Stat. 2 Ann. c. 6. Sect. 1.

Collectors of the Customs not entering the Indentures of Parish-Boys bound to Sea, in a Book kept for that Purpose.

Stat. 2 Ann. c. 6. Sect. 5.

Five Pounds to the Use of the Poor of the Parish whence the Boy was bound, to be levied by Distress and Sale.

To consent to the turning over Parish-Boys, bound Apprentices, according to 43 Eliz. to Masters and Owners of Ships, by Indenture of Assignment.

Stat. 2 Ann. c. 6. Sect. 6.

Every Master or Owner of a Ship of 30 to 50 Tun, not taking one such Boy Apprentice, one more for the next 50 Tun, and one more for every 100 Tun above the first 100.

Stat. 2 Ann. c. 6. Sect. 8.

Ten Pounds, for the Use of the Poor of the Parish whence such Boy was bound Apprentice, to be levied by Distress and Sale.

To inquire into, examine, hear and determine all Complaints of hard or ill Usage, from Masters to Parish-Boys bound Apprentices to Sea-Service.

Stat. 2 Ann. c. 6. Sect. 12.

Collectors of Customs not keeping an exact Register, containing the Number, and Burden of all Ships and Vessels, and Masters and Owners Names, and Names of Apprentices in each Ship, and from what Parishes and Places sent, and not transmitting true Copies thereof to the Quarter-Sessions, as often as required.

Stat. 2 Ann. c. 6. Sect. 13.

Five Pounds to be levied, and disposed, *ut supra*.

A P P E N D I X

Offences. Apprentices. Arms. Penalties.

[Three] To certify, That Parents have 40 s. *per Ann.* Freehold, to qualify their Children to be Apprentices to Merchants.

Stat. 5 *Eliz.* c. 4. Sect. 27.

[Four] To discharge Apprentices, under their Hands and Seals, if the Master be in Fault; and if the Apprentice, to inflict such Punishment, as they in their Discretions think fit.

Stat. 5 *Eliz.* c. 4. Sect. 35.

Quor. 1.

Note; The Practice now is, for one Justice to bind over the Master, at the Complaint of the Apprentice, to the next Sessions, and then four Justices to discharge, under their Hands and Seals; and upon Complaint of the Master against the Apprentice, to send the Apprentice to the House of Correction, if he will not agree to appear at the Sessions; and at the Sessions such Order is to be made, under the Hands and Seals of four Justices, as is just.

[Du. Sess.] Persons taking Apprentices, otherwise than limited by 5 *Eliz.* c. 4. except in London and Norwich.

Stat. 5 *Eliz.* c. 4. Sect. 40.

Ten Pounds, and the Indentures void.

Arms.

[One] **O**NE going or riding armed offensively, before the King's Justices, or other his Officers or Ministers, or elsewhere, by Night or Day.

Stat. 2 *Ed.* 3. c. 3. Sect. 3.

7 *R.* 2. c. 13.

Sect. 1. 20 *R.* 2. c. 1. Sect. 4.

View or Complaint.

To be apprehended and bound to the Peace or Good Behaviour, and for Want of Sureties, to be committed, and his Arms taken away.

Army

A P P E N D I X

Army Debentures.

Offences.

[One] **T**O alter, or counterfeit any *Army Debenture*, or knowingly or fraudulently to make out, and issue any *Army Debentures*, other than by the Commissioners appointed by

Stat. 6 Geo. c. 17. Sect. 7.

Penalties,

Felony without Benefit of Clergy.

1. To take an Affidavit of the due Execution of an Assignment of an Annuity at 4 per Cent. in Lieu of *Army Debentures*.

6 Geo. c. 17. Sect. 7.

Artificers.

[One] **M**AY bind over to Affizes, or Sessions, Artificers, about to go beyond Sea, and those who endeavour to withdraw them thither.

One Witness or Confession.

Stat. 5 Geo. c. 27. Sect. 4.

[Qu. Quest.] Persons contracting with, enticing, endeavouring to persuade, or solicit any Manufacturer or Artificer in *Wool, Iron, Steel, Brass*, or any other *Metal, Clock-maker, Watchmaker*, or any other Artificer of *Great Britain*, to go out of his Majesty's Dominions. On Conviction.

Stat. 5 Geo. c. 27. Sect. 1.

Artificer convicted of any Promise or Contract, or Preparation to go abroad beyond the Seas.

Stat. 5 Geo. c. 27. Sect. 4.

For want of Sureties to be committed to Gaol.

To be fined not exceeding 100 Pounds for the first Offence, three Months Imprisonment, and until such Fine be paid.

For the second Offence to be fined at Discretion of the Court, twelve Months Imprisonment, and until such Fine be paid.

Prosecution in twelve Months.

To find Sureties not to depart out of his Majesty's Dominions, as the Court thinks fit. And for want of Sureties committed *Quousque*.

Attornies

A P P E N D I X

Attornies and Solicitors.

Offences.

Penalties.

[Qu. Less.] **N**OTE; the Forfeitures and Penalties of the Stat. 2 Geo. 2. c. 23. (i. e. 50 l. on any one who after 1 Dec. 1730. shall sue or defend in any Cause, not being admitted and enrolled) may be sued for and recovered, not only in *Westminster Hall*, &c. but also at the Assises or General Quarter Sessions where the Offense was, by any who sues within twelve Months, with treble Costs of Suit; and no Essoin, Protection, or Wager of Law, and but one Imparllance, and not to be removed before Judgment, or stayed by any *Certiorari*, *Habeas Corpus*, or other Writ.

Stat. 2 Geo. 2. c. 23. Sect. 24, 25.

Badgers.

[Two] **P**urveyor, Badger, &c. bargaining for any Victual or Grain, in the Markets of *Oxford* or *Cambridge*, or in five Miles.

Stat. 2 & 3 P. & M. c. 15. Sect. 2.

13 Eliz. c. 21. Sect. 2.

Quadruple the Value thereof, and three Months Imprisonment without Bail.

Except when the Queen is there, or within seven Miles.

[Three] To license a married Man, Householder, and of thirty Years of Age at least, to be a Badger, Lader, Kidder, Carrier, Buyer or Transporter of Corn, Grain, Butter and Cheese.

Stat. 5 Eliz. c. 12. Sect. 1.

Quor. 1.

[Qu. Sess.] Badger, Lader, Kidder, Carrier, Buyer or Transporter of Corn, or Grain, Butter and Cheese without Licence granted in open Sessions of the County, where he hath dwelt three Years, under the Hands and Seals of (at least) three Justices.

Quor. 1.

Five Pounds between the Queen and Prosecutor.

The Queen's Moiety to be estreated according to the usual Manner, and the Prosecutor's levied by *Fieri facias*, or *Capias*; but when the Suit is wholly the Queen's, the whole to be estreated.

Stat.

A P P E N D I X

Offences. Badgers. Bail, Bailiffs. Penalties.

Stat. 5 Eliz. c. 12. Sect. 7.
Inquisition, or Verdict, or upon
Oath of two Witnesses.

Badger, &c. buying Grain out of
open Fair or Market (to sell again)
unless there be special Words in his
Licence to warrant it.

Stat. 5 Eliz. c. 12. Sect. 7.
The Conviction, *ut supra*.

Five Pounds, to be divided, *ut*
supra.

At their Discretions, to take Recognizances of Badgers, &c. that they
shall not forestall, or Engross, or put in Practice any Act contrary to 5 &
6 Ed. 6. c. 14.

Stat. 5 Eliz. c. 12. Sect. 6.

Vide Purveyor.

Bail.
[Two] **T**O Bail for Manlaughter, or Felony, or Suspicion thereof,
(being bailable by Law) and being both present at the Time
of such Bailment: But they must first take the Examination of the Accused,
and the Informations of the Accusers, and Witnesses. *London and Middlesex*
Justices may Bail, as before the Statute.

Stat. 1 & 2 P. & M. c. 13. Sect. 6.

Lyons. 1.

Bailiffs.
[One] **T**HE Defendant in the
County-Court, not ha-
ving lawful Summons, the Bailiff be-
ing found faulty.

Stat. 11 H. 7. c. 15. Sect. 6. 8.
The Certificate is a Conviction.

Forty Shillings divided between
the King and Prosecutor.

To examine this Matter, and, if
the Party found guilty, *strive* the
Examination into the Exchequer
within three Months, on Pain of
40*s*.

See County-Court and Streets,

Bakers

A P P E N D I X

Bakers and Bread.

Offences.

[One] **B**akers, and others making, baking, or exposing to Sale, Bread, not observing the Assise, or under Weight, or not duly marked, or breaking such Regulations and Orders as are made by the Justices from Time to Time.

Stat. 8 Ann. c. 18. Sect. 3.

Confession or one Witness.

Prosecution within three Days.
Sect. 5.

Bakers, or Sellers of Bread, putting into any Bread, sold or exposed to Sale, any Mixture of any other Grain, than what shall be appointed by the Assise.

Stat. 8 Ann. c. 18. Sect. 7.

In the Day-time, to enter into any House, Shop, Stall, Bakehouse, Warehouse or Outhouse of any Baker or Seller of Bread, to search for, view, weigh and try all or any the Bread there found; and if the Bread be wanting in the Goodness of the Stuff, or deficient in due Baking, Working, or Weight, or not truly marked, or any other Sort than what is allowed, the same Bread to be seized, and given to the Poor.

Stat. 8 Ann. c. 18. Sect. 8.

Baker, or other, not permitting a Search; or opposing, hindring, or resisting it.

Stat. 8 Ann. c. 18. Sect. 8.

The Penalty of 40 s. by 8 Ann. c. 18. on Bakers, for want of Weight of Bread, is reduced to 5 s. for every Ounce wanting, and 2 s. 6 d. if under. The Bread to be weighed before

Penalties.

40 s. to be levied by Distress and Sale, to be given to the Informer.

The Convictions to be certified to the next Quarter-Sessions.

Sect. 4.

Appeal lies to the next Quarter-Sessions.

Sect. 6.

Vide the Table of the Assise of Bread, annex'd to the Statute at large.

20 s. to be had, and recovered, *ut supra*.

Mayor, Alderman, or Justice, on any Information made of any Offence against this Act, wilfully omitting his Duty, forfeits 20 s. to be recover'd by Action of Debt, Bill, Plaint, or Information.

40 s. to be recovered, and given, *ut supra*.

Forfeiture to the Informer, to be adjudged, levied, and recover'd as the 40 s. Penalty is by 8 Ann. c. 18,

A P P E N D I X

Offences. Bakers and Bread. Penalties.

before a Magistrate or Justice in 24 Hours after baked or expos'd to Sale in London, Westminster, and Bills of Mortality, and in three Days elsewhere.

Stat. 1 Geo. 1. c. 26. Sect. 5.

Note ; By this Statute no Mark seems now necessary ; 2. and Bakers may make and sell Peck, Half-peck, Quartern, and Half-quartern Loaves, if in Proportion to the Assise Table in Weight and Price.

Stat. 1 Geo. 1. c. 26. Sect. 6.

And the *Clerk of the Market* is to certify upon Oath to the chief Magistrate or Justices, the Price of Grain, Meal and Flower, every Time the Assise is alter'd.

Stat. 1 Geo. 1. c. 26. Sect. 7.

[Two] In Towns and Places where no Mayor, the Bailiffs, Aldermen or Chief Magistrates, from Time to Time, to set, ascertain, and appoint the Assise and Weight of all Sorts of Bread, having Respect to the Price of Grain, Meal or Flower, in the Publick Markets, and to make reasonable Allowance to Bakers, for Charges, Pains and Livelihood : The Assise according to Averdupois, and not Troy-Weight.

Stat. 8 Ann. c. 18. Sect. 1.

10 s. for every Offence to the Informer, and recovered and levied as the Penalty of 40 s. is by the Act of 8 Ann.

Stat. 3 Geo. 2. c. 29. Sect. 2.

May licence Bakers to bake and sell such Sorts of Bread as they think fit.

Stat. 8 Ann. c. 18. Sect. 1.

To direct and appoint how each Sort of Bread shall be marked, for knowing the Baker, or Maker, Price, Weight and Sort ; and to make any other reasonable Rules and Orders for the better regulating the Mystery of baking Bread, and the Sorts, Assise, Prices and Weight, and all Things concerning the same, as they shall find necessary.

Stat. 8 Ann. c. 18. Sect. 3.

[Qu. Best.] Upon an Appeal by Bakers, or others, convicted for making, baking, or exposing to Sale Bread, contrary to Stat. 8 Ann. c. 18. the Sessions to hear, and finally determine ; and if the Appellant be not relieved, to pay reasonable Costs, and committed to the Common Gaol, till he pay the Penalty and Costs. If he be relieved upon his Appeal, the Informer to pay reasonable Costs.

Stat. 8 Ann. c. 18. Sect. 6.

Note ;

A P P E N D I X

Bakers and Bread. Bankrupt. Bastards. Offences. Penalties.

Note; The Stat. 8 *Ann.* c. 18. does not extend to prejudice any Right or Custom of *London*, or the Practice there used, nor Lords of Leets, nor Clerk of the Market. Sect. 10.

And the Justices in their Charges are to enforce and press the Execution of this Statute. Sect. 12.

Note; The said Statutes 1 *Geo.* 1. c. 26. and 8 *Ann.* c. 18. are continued till 25 *Mar.* 1738. and End of the next Session. By Stat. 3 *Geo.* 2. c. 29.

Vide Title Conspiracies.
Bank of England. *Vide* Felony.

Bankrupt.

[One] UPON Application may grant his Warrant for the taking and apprehending a Person certified a Bankrupt, and may commit such Person to the Common Gaol of the County where apprehended, and the Gaoler to receive him, &c.

Stat. 5 *Geo.* 2. c. 30. Sect. 14.

See also Felony.

Bastards.

[One] ONE who is suspected, or charged to be the Father of a Bastard-Child, likely to become chargeable to the Parish.

The Woman to be examined, and her Examination put in Writing.

Such Person as shall have any Hand by Persuasion, Procurement, or otherwise, in conveying or sending away a putative Father.

Dalt. c. 11. p. 39.

Is either before or after the Birth to be bound to the Good Behaviour, till Order be made by two Justices, according to 18 *Eliz.* c. 3.

Dalt. Justice (Edit. 1715) c. 11. p. 39.

To be bound to the Good Behaviour, and so to the next Gaol-delivery, (before the Judges of Assize), or to the next Quarter-Sessions.

[One] (If any single Woman shall be delivered of such Child, which is,

May issue a Warrant to apprehend the Party, and bring him before him

A P P E N D I X

Offences. Bastards. Penalties.

or is likely to be chargeable to any Parish or Extraparochial Place; or declares herself with Child; and that 'tis likely to be born a Bastard, and to be chargeable to such Parish or Place: And shall in either Case, on her Examination in Writing on Oath before one Justice, charge any Person with having gotten her with Child) on Application by any Overseer of the Parish, or substantial House-keeper, if Extraparochial.

Stat. 6 Geo. 2. c. 31. Sect. 1.

But if the Woman so charging dies, or is married before delivered, or if she miscarries, or appears not to have been with Child at the Time of her Examination.

Ibid. Sect. 2.

On Application by the Party committed *ut supra*, or any on his Behalf, any Justice may summon an Overseer of the Parish (or substantial House-keeper, if Extraparochial) to appear at a certain Time and Place, to shew Cause why he should not be discharged.

Ibid. Sect. 3.

But no Justice is to send for any Woman before she is delivered, or within one Month after, in order to be examined touching her Pregnancy; or to compel any before Delivery to answer any Question touching her Pregnancy.

Ibid. Sect. 4.

[Two] After a Bastard Child is born, which is, or is likely to become chargeable to the Parish.

Stat. 18 Eliz. c. 3. Sect. 2.

7 Jac. 1. c. 4. Sect. 7.

Quor. 1.

him (or any other Justice) and commit him to Gaol or Workhouse, unless he gives a Recognizance with Sureties, to appear at the next Sessions, and abide their Order.

He is to be discharged of his Recognizance at the next Sessions, or immediately released by one, &c. Justice.

And if no Order appears to be made pursuant to the Statute 18 Eliz. within six Weeks after the Woman's Delivery, he is to be discharged.

In or next the Limits of such Parish Church, to examine the Cause and Circumstances, and make an Order for the Relief of the Parish, in Part, or in all; and keeping the Child; by charging Father or Mother with weekly Payments, or other Relief, for Punishment of Father and Mother.

A P P E N D I X.

Bastards. Bedford Level. Beer and Ale.

Offences.

Lewd Women having Bastard-Children which may be chargeable to the Parish.

Stat. 7 Jac. 1. c. 4. Sect. 7.

Penalties.

To commit to House of Correction, there to be punished, and set to Work one whole Year; *second Offence*; to be committed, till find Security for Good Behaviour, and not to offend again.

To order Church-wardens and Overseers to seize Goods and Profits of Lands of a putative Father, and lewd Mother of a Bastard-Child, towards Discharge of the Parish; to be confirmed at the *Sessions*:

Stat. 13 & 14 Car. 2. c. 12. Sect. 19.

[*Qu. Sess.*] To do all Things concerning Bastards, begot out of lawful Matrimony, that by Justices of Peace, in their several Counties, are by the Stat. of 18 Eliz. c. 3. limited to be done.

Stat. 3 Car. 1. c. 4. Sect. 15.

Bedford Level.

[*Two*] **B**reaking down, or hindering, or laying open Inclosures in *Bedford Level*.

Stat. 15 Car. 2. c. 17. Sect. 13.

Two Witnesses.

20 *l.* to be levied by Distress and Sale.

Beer and Ale. See Ale.

[*Qu. Sess.*] **T**HE Rates and Prices of Beer and Ale to be set by the Justices, at their Discretions.

Stat. 23 H. 8. c. 4. Sect. 5.

Retailers of Beer. *Vide Title Excise.*

Beggars. *Vide Vagabonds.*

Billets. *Vide Fuel.*

Blasphemous

A P P E N D I X

Blasphemous Words.

Offences.

[One] **T**O take Information of Blasphemous Words, within four Days after spoken, and not afterwards.

The Prosecution to be in three Months after the said Information.

Stat. 9 & 10 W. 3. c. 32. Sect. 2.

Pena'ties.

Bone-Lace.

[One] **O**N Information, to issue his Warrant to Constables, &c. to search for Foreign Bone-Lace, Cut-work, Embroidery, Fringe, Band-strings, Buttons, or Needle-work of Thread or Silk, and to seize them.

The Person selling or offering them to Sale, forfeits 50 *l.* and the Goods: And the Person importing, 100 *l.* and the Goods. One Moiety to the King, the other to him that sues in any Court of Record.

Stat. 13 & 14 Car. 2. c. 13. Sect. 3.

Repealed as to Lace made of Thread in all Places, but the Dominion of the French King and the Duke of Anjou, by

Stat. 5 Ann. c. 17.

Books.

[One] **T**O grant a Warrant to search for any Book, taken out of any Parochial Library, and if found, to restore it.

Stat. 7 Ann. c. 14. Sect. 10.

Boots. Vide Shoemakers.

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[B]

Wandy

APPENDIX

Brandy, &c.

Offences.

Penalties.

[Du.] **N** One to sell or expose to Sale, Brandy, Strong-Waters, &c. about the Streets, or on the Water, or on any Bulk, &c. or any where but in the Party's Dwelling House.

10 l. for every Offence, on Confession or Oath of one Witness, and Complaint within one Month; one Moiety to the Informer, the other to the Poor.

Stat. 2 Geo. 2. c. 17. Sect. 17. &
6 Geo. 2. c. 17. Sect. 13.

On Refusal of Payment, or not having whereon it may be levied.

Commitment to hard Labour for not less than one, nor more than three Months.

Stat. 2 Geo. 2. c. 17. Sect. 17.
& 6 Geo. 2. c. 13.

Custom-House Officers neglecting to seize and prosecute any Vessel, Boat, Horses, Cattle or Carriage forfeited by this Act, being convicted on his Appearance, or in Default, by one Witness before a Justice.

For every Neglect one Half to the King, the other to the Informer, and levied by Distress and Sale, and for Want of Goods, Commitment sans Bail six Months.

Stat. 6 Geo. 2. c. 17. Sect. 12.

[Two] Brandy imported without Entry, is forfeited by 15 Car. 2. and may be adjudged against the Importer, or Proprietor, by two Justices. (Quere, if now in Force.)

Stat. 15 Car. 2. c. 11. Sect. 17.

To take the Oaths of Distillers, and others, That Brandy or Strong-Waters, intended to be exported, was drawn from Drink brewed from malted Corn, without any Mixture; and that the same is not mixed with Low-Wines, nor drawn a second Time, nor with any other Spirits, or Brandy, made from any other Materials; and that the Duties are entered and paid; and the same exported for Merchandize.

Stat. 2 W. & M. c. 9. Sect. 6.

[Du. Sess.] New Licences to retail Brandy, Strong-Waters, &c. to be granted at a General Meeting or Sessions of Justices.

Stat. 2 Geo. 2. c. 28. Sect. 10. See Alehouses.

A Clause in the Act 5 Geo. 1. against clandestine Running of uncustomed Goods, &c. which relates to the Importation of Foreign Brandy, Arrack, Rum, Strong-Waters, or Spirits, revived and continued till 29 September, 1734, and End of the next Session.

Stat. 2 Geo. 2. c. 28. Sect. 1. See Smuglers, &c.

See also Brandy in Tike Excise.

Byals

A P P E N D I X

Bricks.

Offences.

[Qu. Sess.] **A**T their Michaelmas Sessions, yearly to appoint Searchers of Bricks and Pewter. Stat. 19 H. 7. c. 6. Sect. 15.

By-laws, Vide Title Office.

Penalties.

Bricks and Pantiles.

[Qu. Sess.] **E**Arth for making Bricks, &c. to be dug and turned between the first of November and first of February, and not made into Bricks, &c. till after the first of March. And no Bricks to be made but between the first of March and first of September, and burnt in Kilns or distinct Clamps. And when burnt not less than nine Inches long, two and a Half thick, and four and a Quarter wide: And Pantiles made for Sale, when burnt, to be thirteen Inches and a Half long, nine and a Half wide, and Half an Inch thick.

Stat. 12 Geo. 1. c. 25. Sect. 1.
and 2 Geo. 2. c. 15. Sect. 1.

20 s. for every Thousand of Bricks, and 10 s. for every Thousand of Pantiles, made contrary to either of the said Statutes; by Suit at Westminster. One Moiety to the Prosecutor, and the other to the Poor of the Parish where the Offence is. *Ibid. Ibid.*

Prosecution to be within one Year, and none to be twice convicted for one Offence.

Stat. 2 Geo. 2. c. 15. Sect. 2.

Note: The Dimensions of Bricks may now be eight Inches three Quarters long, four Inches one Eighth broad, and two Inches and a Half thick. Also a Mixture of sifted Sea-coal Ashes is allowed, and Stock-Bricks (kept separate) may be burnt in the same Clamp with Place-Bricks, &c.

Stat. 3 Geo. 2. c. 22.

But it confirms all other Matters in former Statutes.

When Ground within fifteen Miles of London is dug for Bricks, &c. the Owners to uncallow and take off the Soil, Mould, Dirt, or Compost, till they come to the real Brick Earth,

and

The same Penalties, recoverable *ut supra.*

A P P E N D I X

Offences. Bricks and Pantiles. Bridges. Penalties.

and no such Mould, Soil, &c. to be mixed therewith.

Stat. 2 Geo. 2. c. 15. Sect. 3.

[Qu. Sess.] The Company of Tilers and Bricklayers, who, within London, and fifteen Miles, were by Stat. 12 Geo. 1. c. 35. impowered to search Earth, and inspect the Making of Bricks and Tiles, and to levy Penalties, &c. are devested of their said Powers. And the Quarter-Sessions for London, or within fifteen Miles, are to appoint three or more Searchers, who are in the Day-time to enter Grounds, Sheds, and Places where Earth is dug, or Bricks or Pantiles made or making, or exposed to Sale, and search and inspect the same.

Stat. 2 Geo. 2. c. 15. Sect. 1.

And in other Counties, the Easter Quarter-Sessions is to nominate two or more Searchers of Earth, Bricks, &c. who are twice a Year to present to the Quarter-Sessions, Offences against the said Act 12 Geo. 1. c. 35. Where to the Parties shall appear on Summons.

Stat. 12 Geo. 1. c. 35. Sect. 3.

Searchers to have of the Makers, for Bricks or Pantiles searched.

Ibid. Sect. 4.

[Qu. Sess.] To inquire of the Defaults of Searchers, and

Ibid. Sect. 5.

And on Conviction or Refusal to appear, the Penalties *supra* to be levied, and distributed by the Justices; one Moiety to the Prosecutors, and the other to the Poor where the Offender lives.

Ibid. Sect. 5.

A Half-peny a Thousand for Bricks, and a Penny a Thousand for Pantiles.

Ibid. Sect. 4.

Fine them, not exceeding 10 l.

Ibid. Sect. 5.

Widle-Cutters. Vide Tanner.

Bridges.

[Qu. Sess.] **T**O assess, towards the Repair of Bridges, every Town, Parish, and Place, as they have been usually assessed, to be collected by the Constables, or such Treasurer, and in such Manner as the Justices shall appoint. The Assessments to be levied by Distress and Sale, upon Persons not paying in ten Days after Demand.

Stat. 1 Ann. Sess. 1. c. 18. Sect. 2.

Constables,

A P P E N D I X

Offences. Bridges. Buildings. Penalties.

Constables, &c. neglecting to collect Monies assess'd for Repair of Bridges: Or to pay it to the High Constable in six Days after Receipt.

Stat. 1 Ann. Sess. 1. c. 18. Sect. 5.

Treasurer, paying Money assess'd for Repair of Bridges, except by Order of Sessions.

Stat. 1 Ann. Sess. 1. c. 18. Sect. 6.

Forty Shillings,

Five-Pounds,

Have Power to allow Persons concerned in the Execution of the Stat. 1 Ann. Sess. 1. c. 18. Three Pence per Pound. *Ibid.* Sect. 9.

Note; No Fine for not repairing Bridges and Highways shall be returned into the Exchequer, &c. But to be returned to the Treasurer, and applied by the Justices towards the Repair of Bridges and Highways.

Buildings.

[Two] Owner, Head-Builders, or Workmen, not building Houses according to the Stat. 6 Ann. c. 31. Sect. 4. (which see in Tit. Fire) who shall on or before 29 Sept. 1727. make good their Defects, and pay the Informers their Costs of Suit (whereon no Conviction was) settled by three Justices, are discharged from the Penalties of that Statute.

Stat. 11 Geo. 1. c. 28. Sect. 8.

If the Defects are not made good, and Costs paid on thirty Days Notice, forfeits double the Penalties of the Stat. 6 Anna, and the Conviction for the Forfeitures, which by that Statute was to be before One, is now to be before two Justices.

Appeal lies within six Days, *Ibid.*

[Du. Sess.] Builders of Houses in London, Westminster, &c. (except on London-Bridge, or the Thames Side below Bridge) intending to pull down any Partition-Wall between that and the adjoining House, to give three Months Notice in Writing of such Intent (if the Owner of such adjoining House will not agree), That before it be pull'd down, it may, within one Month after the Notice, be view'd by four, or more, skilful Workmen (to be named by each Party) who are to certify to the Quarter-Sessions, that such Party-Wall is defective, &c. and if any Person is aggrieved by such Certificate, the Justices there may examine the said Workmen, and others, on Oath, and make final Orders therein.

Stat. 11 Geo. 1. c. 28. Sect. 1.

[B. 3]

And

A P P E N D I X.

Offences. Building, Bullion, Burials. Penalties.

And if within three Days after such Certificate there be no Appeal, and the Owner of the House doth not shew and support it within six Days after, the Builder may do it at the Owner's Charge, and build up a new Party-Wall. And in ten Days after he is to leave a Note thereof with the said Owner, who is to pay one Half of the Expence, (or his Tenant may pay it, and deduct it out of his Rent), and not being paid in twenty-one Days after Demand, may be sued for (as also other Penalties in the said Act) in *Westminster-Hall*.

Stat. 11 Geo. 1. c. 28. Sect. 2, 3, 4.

The first Builder giving three Months Notice to the Owner of an adjoining House, may pull down the old Timber Walls or Partitions, and build new Brick Party-Walls, and be paid for the same, *ut supra*; and subject to such Appeal, *ut supra*.

But where Houses are built on new Foundations, no second Builder shall take Benefit of such Party-Wall, nor lay any Timber, or cut any Hole therein.

Ibid. Sect. 4, 5, &c.

Bullion.

[One] Persons having unlawful Bullion, if they cannot prove on Oath, that the said Bullion before the Melting thereof, was not current Coin, or Clippings.

To be committed to Prison, in order to be tried upon an Indictment for Melting the Current Coin of this Realm. And if they do not make such Proof, committed for six Months.

[Two] Impower to enter the House, &c. of any Person suspected, and to search for unlawful Bullion, and, with the Assistance of a Constable, to break open the Door, Box, Trunk, Chest, &c. to search for, and discover the same, which if they find, they are to seize and to carry the Person in whose Custody it is found before the next Justice.

Stat. 6 & 7 W. 3. c. 17. Sect. 8.

Burials.

[One] When any Person is buried, if no Person doth within eight Days after Interment

Five Pounds to be levied by Distress and Sale of the Party's Goods; if he has none, of the Person where the

A P P E N D I X

Offences.

ment, bring an *Affidavit* to the Minister, &c. that the Person was buried in Woollen; upon a Certificate of this from the Minister.

Stat. 30 Car. 2. c. 3. Sect. 4.

Burials.

Butcher.

Penalties.

the Party died, or of any other who put the Party into the Coffin.

Master's Goods liable for the Servants.

Parents for Children.

One Moiety to the Poor, the other to the Informer.

Affidavits of Burying in Woollen to be taken by one Justice of the Peace; but where no such Justice resides, or is found in any Parish where the Party is to be interred, there the Parsons, Vicars, and Curates, (other than of the Parish or Place where the Party is interred) may take such Affidavits,

Stat. 30 Car. 2. c. 3. Sect. 5.

32 Car. 2. c. 1. Sect. 3.

[Du. Sess.] To give in Charge the Acts for burying in Woollen.

Stat. 30 Car. 2. c. 3. Sect. 8.

Burgesses.

Vide Wages.

Butcher.

[One] Butcher killing or selling any Victual upon the Lord's Day.

View, Confession, or two Witnesses.

Stat. 3 Car. 1. c. 1. Sect. 3.

[Two] Butcher, or other, wilfully or negligently gashing, or cutting the raw Hide of any Ox, Bull, Steer, or Cow, or the Skin of any Calf, or being so gashed, &c. offering the same to Sale.

To summon the Party accused, and the Witnesses on either Side; Party appearing or not, to examine on Oath, and determine.

Prosecution in three Months.

An Appeal lies to next Sessions,

Stat. 9 Ann. c. 11. Sect. 45.

No *Certiorari* to be, but Justices Determination to be final.

[Du. Sess.]

Six Shillings and Eight Pence to be levied by Distress, &c.

A Third to the Informer, the Rest to the Poor.

2 s. 6 d. for every Hide, or for every Calve-Skin.

One Moiety to the Poor, the other to the Informer, to be levied by Distress and Sale, if not redeemed in six Days, rendering the Overplus, if any.

Justices may mitigate, so as the reasonable Costs and Charges in prosecuting being allowed over and above such Mitigation, and so as the Penalty be not reduced to less than one fourth Part.

To continue for thirty-two Years.

[B 4]

Forfeits

A P P E N D I X

Offences. Butcher. Butter and Cheese. Penalties.

[Qu. Sess.] If any Butcher in London or Westminster, or in ten Miles thereof, buy fat Cattle, and sell them again, alive or dead, to another Butcher.

Stat. 22 & 23 Car. 2. c. 19. Sect. 3.

Prosecution in six Months.

Butcher gashing any Hides.

Stat. 1 Jac. 1. c. 22. Sect. 2.

Butcher watering Hides, except in June, July, or August, or putting them to Sale, being putrified. *Ibid.*

Forfeits the Value of such Cattle, to be divided between the King and Prosecutor, the King's Moiety to be estreated, the Prosecutor's to be levied by *Fieri Fac.* or *Cap.*

May proceed, notwithstanding any *Certiorari*.

20 *d.* for every Hide, one Third to the King, one to the Prosecutor, and the other to the City, Borough, Town, or Lord of Liberty where committed.

4 *s.* 4 *d.* a Hide, to be divided, *ut supra.*

Vide Tanner.

Butter and Cheese.

[One] Importers of Butter and Cheese out of Ireland.

Stat. 32 Car. 2. c. 2. Sect. 9.

Persons exchanging, or opening a Cask of Butter, sealed or marked by the Factor, or Buyer, or the Cask changed, or bad Butter pack'd up and mix'd with Good; and every Fraud committed by the Seller.

Confession, or one Witness.

Stat. 4 & 5 W. & M. c. 7. Sect. 3.

Warehouse-keepers, Weighers, Searchers, or Shippers in any Port, refusing to receive Butter and Cheese, or to take Care thereof, or to ship the same successively.

Ibid. Sect. 4.

Conviction, *ut supra.*

Warehouse-

Liable to the Seizure and Penalties, as Importers of Cattle.

Vide Title Cattle.

Twenty Shillings for every Firkin, and Offence, to be levied by Distress and Sale.

One Half to the Poor, the other to the Informer,

Ten Shillings for every Firkin of Butter, and two Shillings for every Weigh of Cheese.

To be levied by Distress and Sale, and employed, *ut supra.*

A P P E N D I X

Offences.

Butter and Cheese.

Penalties.

Warehouse-keepers, &c. not keeping Books, and making Entries of Butter and Cheese, or making untrue Entries, or refusing in the Day-time to produce the Books to be searched.

Stat. 4 & 5 W. & M. c. 7. Sect. 5.

Conviction, *ut supra*.

Masters of Vessels coming to lade Butter and Cheese, or their Servants refusing to take on Board any Butter and Cheese, as shall be tender'd to be shipped, by any Warehouse-keeper, &c. before their Vessels be laden.

Stat. 4 & 5 W. & M. c. 7. Sect. 6.

2 s. 6 d. for every Firkin of Butter. The same for every Weigh of Cheese, and every other Offence.

To be levied by Distress and Sale, and employed, *ut supra*.

For Want of Distress, to be committed till Payment.

Five Shillings for every Firkin of Butter, and two Shillings and Sixpence for every Weigh of Cheese.

To be levied and employed, *ut supra*.

Note; This extends not to the Counties of *Chester* and *Lancaster*, or the City of *Chester*.

Upon an Appeal, the Appellant is to give Bond of twenty Pounds, with one or more Sureties, to the Liking of a Justice, to pay such Costs as the Court shall award, in one Month, after the Appeal is heard.

Ibid. Sect. 10.

[*Du. Doff.*] May restrain the Retailers of Butter and Cheese.

Stat. 21 Jac. 1. c. 22. Sect. 7.

The Retailer, during the Time of that Restraint, is under the Penalties of 3 & 4 Ed. 6. c. 21. and 5 & 6 Ed. 6. c. 14. against Fore-stallers, &c.

Where the Kilderkin of Butter weighs less than 112 Pounds, 16 Ounces to the Pound; Firkin less than 56, Pot less than 14, besides Casks and Pots, or where old and corrupt Butter is put up with new and sound, or Whey-Butter with Butter made of Cream; or Butter salted with great Salt, or more Salt than will preserve it.

Stat. 13 & 14 Car. 2. c. 26. Sect. 2.

Prosecution in four Months.

The Value of the Butter false pack'd, and six Times the Value of every Pound wanting.

One Moiety to the Poor, where the Offence is committed, the other to the Informer, besides his double Costs.

[*Du. Doff.*]

T.

A P P E N D I X

Offences.

Butter and Cheese.

Penalties.

[Du. Sell.] Sellers of Butter, not delivering the Quantities afore-
said in every Kilderkin, &c.

Ibid. Sect. 3.

Repackers of Butter for Sale.

Stat. 13 & 14 Car. 2. c. 26.
Sect. 4.

Prosecution, *ut supra*.

If Butter for Sale be not pack'd
in Casks of sound, dry, well sea-
son'd Timber, mark'd with the
Weight of the empty Cask, and the
first Letters of their Christian and
Surnames *at length*, with an Iron
Brand.

Stat. 13 & 14 Car. 2. cap. 26.
Sect. 5.

Prosecution, *ut supra*.

[Du. Sell.] Potters exposing to
Sale Pots for packing Butter without
the Weight of it, and without the
first Letters of their Christian and
Surnames *at length*.

Stat. 13 & 14 Car. 2. cap. 26.
Sect. 6.

Prosecution, *ut supra*.

Persons exposing Butter to Sale in
Pots not marked, *ut supra*.

Stat. 13 & 14 Car. 2. cap. 26.
Sect. 6.

Prosecution, *ut supra*.

To make Satisfaction at the Price
for which it was sold.

Prosecution in four Months.

Double the Value to be divided,
ut supra.

And to pay Costs, *ut supra*.

Ten Shillings for every 100
Weight, and so for greater or lesser
Quantities.

To be divided, and pay Costs, *ut
supra*.

One Shilling for every Pot.

To be divided and pay Costs, *ut
supra*.

Two Shillings for every Pot.

To be divided and pay Costs, *ut
supra*.

Vide Badgers.

Buttons and Button-holes.

[One] Importers, Barterers, Sel-
lers, or Exchangers of
Foreign Buttons, made of Hair, or
other foreign Buttons whatsoever.

Stat.

Forfeit them, and are liable to the
Penalties in 14 Car. 2. c. 13. for im-
porting Bone-lace. *Vide* Title
Bone-lace.

A P P E N D I X

Offences. Buttons and Button-holes. Penalties.

Stat. 4 & 5 W. & M. cap. 10.
Sect. 2.

Tailors, or others, making selling, setting on, using, or binding, on any Clothes, Buttons, or Button-holes, made, used, or bound with Cloth, Serge, Drugget, Frize, Camlet, &c.

One Witness.

Stat. 4 Geo. c. 7. Sect. 1.

Not to extend to Clothes made of Velvet. Sect. 2.

Persons being in Gaol, or within the Rules or Liberties of any Gaol, or House of Correction, or inhabiting in Privileg'd Places, or Liberties of the same, committing any Offence against

Stat. 4 Geo. 1. c. 7. Sect. 3.

Clothes made with Buttons and Button-holes of the same Cloth, &c. exposed to Sale in Fairs, Markets, Shops, Warehouses, or Dwelling-houses.

Taylor, or other causing his Apprentice, or Servant, to make any Clothes with Cloth Buttons and Button-holes, if intitled to the Monies for making them.

Stat. 4 Geo. 1. c. 7. Sect. 9.

Note; All Offences against the Stat. 4 Geo. 1. c. 7. to be prosecuted in three Months after committed or discovered. Sect. 4.

No Person to use or wear on any Clothes, Garments, or Apparel, any Buttons or Button-holes made of or bound with Cloth, Serge, Drugget, Frize, Camlet, or any Stuffs whereof Cloaths or wearing Garments are usually made.

Forfeit forty Shillings for every Dozen of such Buttons and Button-holes so made, &c. or in Proportion for any lesser Quantity.

Between the Poor, where, &c. and the Informer. And if not paid in fourteen Days, to be levied by Distress. And if no Distress, to be committed to hard Labour for three Calendar Months. Sect. 5.

Subject to the same Penalties, as *supra*.

Forfeited, and may be seized and applied, as *supra*.

Stat. 4 Geo. 1. c. 7. Sect. 8.

Liable to the same Penalties, as *supra*.

On Forfeiture of forty Shillings for every Dozen of such Buttons or Button-holes so used or worn; or in Proportion for every lesser Quantity. Sect. 1.

To be levied by Distress and Sale. One Moiety to the Person on whose Oath any Person shall be convicted;

the

A P P E N D I X.

Offences. Buttons and Button-holes. Penalties.

One or more credible Witnesses, or Confession.

Stat. 7 Geo. 1. c. 12. Sect. 1.

Note; One or more Justices to summon the Party, and on his *Non appearance* or Confession, to examine and determine the Matter.

Ibid. Sect. 2.

the other to the Poor, where the Offence was committed. Sect. 2.

The Prosecution must be in one Month after the Offence is committed. Sect. 4.

Note; An Appeal lies to the next General Quarter-Sessions, (giving eight Day's Notice at least to the Prosecutor,) whose Judgment is final. *Ibid.* Sect. 3.

The above Statute does not extend to Velvet. Sect. 5.

[Two] Taylor or other Person making, selling, setting on, using, or binding, on any Clothes, Buttons, or Button-holes, made with Serge, Stuff, Drugget, or any other Stuff, or causing them so to be made.

Stat. 8 Ann. c. 6. Sect. 1. (See 4 Geo. 1. c. 75.)

Appeal lies to *Quarter-Sessions*.

Five Pounds for every Dozen so made, &c. to be levied, one Moiety to the Queen, the other to him who sues by Action of Debt, &c. But *Quare*; for that Act says only, That they shall levy the Penalty, but does not direct the Manner,

[Qu. Sess.] Upon an Appeal against the Order of two Justices upon Complaint made against Taylors for making, &c. Cloth-Buttons, &c. To order the Appellant to pay reasonable Costs, if not relieved upon his Appeal.

Stat. 8 Ann. c. 6. Sect. 2.

Persons aggrieved by the Order of one Justice, on Conviction for Offences against the Statute 4 Geo. c. 7. may, on giving sufficient Notice, appeal, &c.

Sect. 6.

Sessions to allow such Costs and Charges to the Party grieved, as they shall think reasonable, to be levied and paid as in other Cases of Appeals. Their Award is final.

Cards

A P P E N D I X

Offences: Cards and Dice. Callicoes. Penalties.

[One] **T**O take Affidavit of any, declaring the Grounds of his Knowledge, or Suspicion, That playing Cards or Dice are made or caused to be made in any House or Place in *Great Britain*, without Notice thereof in Writing given to the Commissioners of the Stamp-Duties, at their Head Office.

Stat. 6 Geo. 1. c. 21. Sect. 57.

Upon Affidavit as aforesaid, to grant Warrant to an Officer of the Duties on Cards and Dice, to empower him in the Day-time, and in Presence of a Constable to break open the Door, or any Part of such House, or Place where Cards or Dice are so suspected to be made, or making, and to enter such House or Place, and seize all such Cards, Dice, and Tools, or Materials for making them; and detain and keep the same in such House or Place as the Commissioners of the Stamps shall direct.

Stat. 6 Geo. 1. c. 21. Sect. 57.

Cards, Dice, Tools, and Materials, are forfeited, unless claimed or replevied by the Owner in five Days after Seizure.

To be sold by Direction of the Commissioners.

One Moiety to the King, the other to the Party who discovers the same.

Callicoes.

[One] **N**O Person to use or wear in any Garment or Apparel, any printed, painted, stained, or died Callicoe.

Confession, or one or more Credible Witnesses.

Prosecution in six Days.

Stat. 7 Geo. 1. c. 7. Sect. 1. Sect. 1.

Persons wearing or using in Apparel, Household-Stuff, or Furniture, any Stuff made of Cotton, or mixed therewith, which shall be printed with

Five Pounds for every Offence to the Informer.

To be levied by Distress and Sale.

Are liable to the Penalties for using or wearing printed, painted, stained, or died Callicoes.

A P P E N D I X

Offences.	Callicoes.	Cattle.	Penalties.
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with any Colour; or Colours, or any Callicoe chequered or striped, or any Callicoe stitched or flowered in Foreign Parts with any Colour or Colours, or with coloured Flowers made there, Muslin Neckcloths and Fustians excepted, <i>Ibid</i>, Sect. 10.	Appeal lies to the next Quarter Sessions on giving the Prosecutor five Days Notice, whose Judgment is final. <i>Ibid</i>, Sect. 1:
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Note: The Act 11 & 12 W. 3. for employing the Poor, and encouraging the Manufactures of this Kingdom, is not to extend to any Silks, Bengals, or Stuffs mixed with Silk or Herba, or painted, dyed, printed, or stained Callicoes manufactured in Persia, China, or East-India, which were made up or used in Furniture or Household-stuff, before the 25th of December 1722.

Stat. 10 Geo. 1. c. 11, Sect. 2.

Carmen, Carters, Carriers, and Carriage. See Title Waggon and Waggoners.

Cattle.

[One] Cattle, dead or alive, imported, (except for Provision for the Vessel, to be made appear in forty-eight Hours.)	Forfeited; one Moiety to the Poor, the other to him who seizes.
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Stat. 18 Car. 2. c. 2. Sect. 1.
Two Witnesses.

Master and Mariner of the Vessel wherein Cattle are imported.

Stat. 20 Car. 2. c. 7. Sect. 3.

Seizors of Cattle, Sheep and Swine, imported out of Ireland, not giving Notice in six Days after Conviction to Church-wardens and Overseers of such Seizure, and they not distributing all but the Hides, and Tallow to the Poor.

Stat. 32 Car. 2. c. 2. Sect. 6.

View, Confession, or one Witnesses.

To be committed for three Months.

Forty Shillings for every of the great Cattle.

Ten Shillings for every Sheep or Swine.

One Moiety to the Poor, the other to the Informer. To be levied by Distress and Sale.

And in Default, to be committed for three Months without Bail or Mainprize.

[Three]

A P P E N D I X

Offences.

Cattle. Church.

Penalties.

[Three] To enquire by the Oaths of twelve Men, Examination of Witnesses, or any lawful Means, of the malicious Maiming, or otherwise hurting any Horses, Sheep, or other Cattle. And for that Purpose to issue Warrants to summon Jurors, suspected Persons, and such as give Evidence.
Stat. 22 & 23 Car. 2. c. 7. Sect. 6.

[Qu. Sess.] No Certiorari is to be allowed, unless the Indicted will become bound with sufficient Sureties (such as the Justices of the Peace in Sessions shall like of) to pay to the Prosecutor, in a Month after Conviction, such Costs and Damages as the Justices shall assess.

Stat. 21 Jac. 1. c. 8. Sect. 2.

Cheese. See Title Butter and Cheese.

Church.

[One] Persons not repairing to Church according to the 1 Eliz. c. 2.

Stat. 23 Eliz. c. 1. Sect. 5.

This is not to be extended to Protestant Dissenters, by

Stat. 1 W. & M. Sess. 1. c. 18.

Persons not repairing to some Church or Chapel.

Stat. 3 Jac. 1. c. 4. Sect. 27.

Confession, or one Witness.

These Statutes not to be extended to Protestant Dissenters, by

Stat. 1 W. & M. Sess. 1. c. 18.

Twenty Pounds a Month; and if forbear for twelve Months after Certificate made by the Ordinary into the Queen's Bench.

To be bound with two sufficient Sureties in 200 Pounds at least, to be of the Good Behaviour, until they shall repair to Church.

Twelve Pence for the Poor.

To be levied by Distress and Sale. In Default of Distress to be committed.

The Prosecution to be in one Month.

Church-wardens. See Title **Parishes and Poor.**
Clerk of the Market. See **Bakers, Bread, Weights and Measures.**

Clothes.

A P P E N D I X.

Clothes.

Offences.

[One] **W**ilfully and maliciously to assault any Person in the publick Streets, or Highways, with an Intent to tear, spoil, cut, burn, or deface, and who shall tear, spoil, cut, burn or deface the Garments or Clothes of any Person. If convicted.

Stat. 6 Geo. 1. c. 23. Sect. 11.

Penalties.

Felony, and to be transported for seven Years.

Cloth and Clothier. See Dyers, &c.

(Woollen)

[One] **C**lothiers not paying their Work-folks their Wages in ready Money.

Stat. 4 Ed. 4. c. 1. Sect. 6.

10 Ann. c. 16. *infra*.

Carders, Spinsters, Weavers, Fullers, Sheer-men, and Dyers, not performing their Duty.

Stat. 4 Ed. 4. c. 1. Sect. 6.

The Justice not doing his Duty, about seizing Ropes, and other Things, used for unlawful Stretching Northern Cloths, and other Matter, according to

Stat. 39 Eliz. c. 20. Sect. 9.

Mixed or Medly Broad Cloth (after 'tis milled, &c.) to be measured at the Fulling-Mill by the Master, or Occupier thereof; who is to make Oath, *That he will well and truly perform such Measuring*, (before some neighbouring Justice, who is to give him a Certificate thereof) and affix a Seal to each Cloth, with his Name,

4

and

Treble Damages, and to be committed till Payment.

Stat. 12 Geo. 1. c. 32.

Double Damages, and to be committed till Payment.

See 12 Geo. 1. c. 32.

Five Pounds, to be divided into three Parts.

One to the Queen, another to the Informer, and the Third to the Poor.

If the Buyer refuse to take the Cloth according to the Measure so mark'd on the Seal, he forfeits 20 s. for each Cloth. As doth the Master for refusing or neglecting to fix such Seal.

And every Person who shall alter such Seal before the Cloth is sold, forfeits 20 s.

A P P E N D I X

Offences.

Cloth and Clothier.

Penalties.

and (in Figures) the Length and Breadth, before 'tis sold.

Stat. 10 Ann. c. 16. Sect. 1. and 2.

One Witness, &c.

See *infra*.

Clothiers, &c. stretching or straining any such Cloth above a Yard in twenty Yards length, or above one Nail in a Yard in Breadth.

Stat. 10 Ann. c. 16. Sect. 3.

One Witness, &c.

See *infra*.

Mill-men, Owners, or Occupiers of Fulling-Mills, to have a Table twelve Foot long, and three Foot wide, whereon the Cloth shall be doubled; or creased, and laid plain; and one Inch more instead of a Thumb's Breadth, viz. thirty-seven Inches, to prevent any Dispute in respect of measuring by the Yard.

Stat. 10 Ann. c. 16. Sect. 4.

One Witness, &c.

See *infra*.

Clothiers, or others, concerned in the Woollen Manufacture, shall make Payment in Money to the Persons employed for all Work done in Relation thereto, and not impose or deliver any Sort of Goods, or Wares for such Work.

Stat. 10 Ann. c. 16. Sect. 6.

One Witness, &c.

See *infra*.

Note; All Offences against this Act may be heard and determined by one Justice, not concerned in the Matter of the Complaint, and upon the Oath of one Witness; and all the Penalties, &c. are Half to the Informer, and Half to the Poor. And if not paid within fourteen Days after Conviction, the Justice may cause it to be levied by Distress, &c. And if no Distress, commit to the Gaol, or House of Correction, to hard Labour, not exceeding three Months for each Offence; and all Offences to be prosecuted within thirty Days after committed, or Discovery made.

But an Appeal lies to the Sessions. Sect. 9. Also this Act is not to extend to Yorkshires, or to invalidate the Act 7 Ann. c. 13. for the Length and Breadth of Cloths made there.

Stat. 10 Ann. c. 16. Sect. 7, 8, 11.

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[C]

Mixed

13 Geo. 1. c. 23.

Forfeit 20 s. for every Offence, if convicted before 'tis sold, or exposed to Sale.

In Default of such Table provided, and constantly kept and used, every Person forfeits 10 s.

To forfeit for every Offence 20 s.

A P P E N D I X

Offences. Cloth and Clothier. Penalties.

Mixed and Medley Broad-Cloths to contain the Quantity mentioned in the Seals set by the Master or Occupier of the Fulling-Mill.

Stat. 1 Geo. 1. c. 15. Sect. 1.

Owners and Occupiers, &c. refusing the Oath, *That he will well and truly perform such Measuring*, or not fixing a Seal, or others taking off, defacing or counterfeiting it.

One Witness.

Stat. 1 Geo. 1. c. 15. Sect. 2.

Clothier, Cloth-worker, Card-maker, and all Persons concerned in the Woollen Manufacture, not paying their Servants, Labourers, &c. Wages in Money, or imposing on them Goods, &c. in lieu thereof.

Mixed or Medley Broad-Cloths, to be sealed and stamped with the Watch Measure on the Seal of the Master, Owner, Occupier, or Mill-man, by whom wetted, fulled, and milled; and every Clothier, selling or putting to Sale such Broad Cloth, before so sealed.

Stat. 1 Geo. 1. c. 15. Sect. 5.

Note; All Offences against this Act may be heard and determined by One Justice, not concerned in the Matter of the Complaint, upon the Oath of one or more Witness or Witnesses. And all the Penalties, &c. are in London to *Christ's Hospital*; and in all other Places to the Poor. And if not paid in thirty Days after Conviction and Demand, or in Case the Owner, &c. refuse or neglect to repay the Forfeiture for Want of sufficient Length or Breadth of Admeasurement: The Justice may cause the Penalties, &c. to be levied by Distress, &c. And if no Distress, commit to the Gaol, or House of Correction to hard Labour for three Calendar Months.

Stat. 1 Geo. 1. c. 15. Sect. 7. See the Stat. 13 Geo. 1. *infra*.

All Offences against the Statute 1 Geo. 1. c. 15. (saving where Owner &c. refuse Repayment of the Forfeitures for Want of sufficient Length or Breadth in Admeasurement) to be prosecuted within forty Days after committed or discover'd.

Stat. 1 Geo. 1. c. 15. Sect. 8.

Or seller-forfeits a sixth Part of the Value of every Cloth under Measure to the Poor of the Parish.

To be paid by the Buyer, and deducted out of the Price of the Cloth.

Twenty Pounds in Lieu of twenty Shillings per Cloth, by 6 Ann. c. 29.

Forty Shillings for every Offence.

Stat. 1 Geo. 1. c. 15. Sect. 12.

See Stat. 12 Geo. 1. c. 34. *infra*.

Forfeits a sixth Part of such Cloth.

A P P E N D I X

Offences.

Cloth and Clothier.

Penalties.

[One] On Information on Oath, That any Person is guilty, or suspected of the ill Practices in the Cloathing-Trade, (mentioned Sect. 1, 2, 3.) may authorize Constables, &c. to enter Houses, &c. by Day, and search for and examine Warping-Bars, Weights, &c. (See two Justices *infra*.) Stat. 13 Geo. 1. c. 23. Sect. 1.

End-Gatherers buying or carrying Ends of Yarn, Thrums, Refuse, &c. a Constable or other Peace-Officer, may by a Warrant search them, and if he finds any Ends, Thrums, &c. carry him before a Justice. *Ibid*. Sect. 8.

Linen-Cloth made in Scotland, to be of well-sorted Yarn, and equally wrought, and fine from one End of the Piece to the other, and made by the Standard-Yard-Wand. And all St. Johnstons, or other Plain, Brown, or Green Cloth, made for Whiten- ing, one Yard and a Nail, or three Quarters and a Nail broad, that when whited, it may be a full Yard, or full three Quarters broad; and in Length the whole Piece eighty-four Yards, the Half-piece forty-two Yards, &c. that so whited it may be eighty or twenty Yards, &c. and all other Sorts of plain Cloth a full Yard in Breadth, and in Length forty Yards the Piece, twenty Yards the Half-piece, &c. And see *ibid*. other Measures appointed for Linen Checks, striped Linen, Neckcloths, Ticken, &c. Stat. 10 Ann. c. 21. Sect. 1.

And for Dornick, Towelling, or Plain Linen, see 12 Ann. Sect. 1. c. 20. Sect. 1 and 2.

And all Cloth to be sold in Scot- land, to be made up in Folds of one Yard and Half each Fold, and not rolled or battered.

Stat. 10 Ann. c. 21. Sect. 1.

On Conviction by Oath of one or Confession, to be adjudged an incor- rigible Rogue, and punished as 12 Ann. directs. *Ibid*. Sect. 8.

If any make Linen-Cloth in Scot- land otherwise, and thereof convict- ed by Oath of any Overseer or Search- er, or two credible Witnesses,

He forfeits for every Inch less than Measure in Breadth, and every Yard less in Length, five Shillings.

And for every Piece not made of well-sorted Yarn, and equally wrought, and fine, five Shillings.

And if any shall buy or expose to Sale, or bring to any Town or Place in Scotland for Sale, any Linen- Cloth not made or not folded as a- foresaid, if convicted within six Months, forfeits for each Piece five Shillings.

Note also the Statute 13 Geo. 1. c. 23, which relates to the Linen and Hempen Manufacture in Scot- land.

The [C12]

And

[One]

A P P E N D I X.

Offences.

Cloth and Clothier.

Penalties.

The Owners of Scotch Linen-Cloth, before exposed to Sale, to bring it to some Borough-Town, or Place, where Stamps are appointed, there to be stamped.

Stat. 10 Ann. c. 21. Sect. 3.

And if any other Person shall in Scotland buy, export, transport, or carry to the Water-side for that Purpose, Scotch Linen-Cloth not stamp'd as aforesaid.

Ibid. Sect. 4.

If any Person counterfeits any Stamp, or affix it without Authority.

Ibid. Sect. 4.

No Stamp-Master, for himself or any other, to buy or dispose of any Linen-Cloth, or stamp any that is not made of well-sorted Yarn, equally wrought, and of equal Fineness, from one End to the other, and of the said Lengths, Breadths, and Foldings.

Ibid. Sect. 4.

Making Use of Lime or Pigeons-Dung for whitening or bleaching Linen-Cloth in Scotland, and convicted by

Two Witnesses, or Confession.

Ibid.

Stat. 10 Ann. c. 21. Sect. 5.

Note; All the Forfeitures and Penalties of this Act are Half to the Informer, and Half to the Poor.

(Woollen.)

[Two] To appoint once a Year Overseers for well-ordering of Cloth.

Stat. 3 & 4 Ed. 6. c. 2. Sect. 9.

Faulty Cloths exposed to Sale by Retail.

Stat. 5 & 6 Ed. 6. c. 6. Sect. 43.

And if exposed to Sale, or carried to the Water-side for Exportation before stamp'd, and thereof convicted, *ut supra.*

Forfeits for each Piece five Shillings.

If convicted, *ut supra*, in Scotland.

He forfeits for each Piece 5 s.

He forfeits 50 l. Sterling, or a Year's Imprisonment, if insolvent.

On Forfeiture of five Shillings, for each Piece, and incapacitated of his Office for the future.

Forfeits for each Piece 20 l. and in Default of Payment, to levy it by Distress, &c. And if no Distress, commit to the House of Correction, or Gaol, to hard Labour, not exceeding twelve Months.

A P P E N D I X

Offences.

Cloth and Clothier.

Penalties.

Logwood which is deceitfully used
for Dying of Cloth.

Stat. 23 *Eliz.* c. 9. Sect. 1.

To be seized and openly burnt.

And the Dyer forfeits double the
Value of the Cloth, Wool, or other
Thing dy'd with it.

To appoint Overseers to make Search once a Month, at least, for De-
fects of Northern Cloths.

Stat. 39 *Eliz.* c. 20. Sect. 4.

Sorters, Carders, Kembers, Spin-
ners, or Weavers of Wool, or Yarn,
who shall imbezil, or detain any
Part from the Owner.

Stat. 7 *Jac.* 1. c. 7. Sect. 2.

Either to make Satisfaction, or be
whipp'd, and put in the Stocks.

Makers of deceitful Cloth.

Stat. 21 *Jac.* 1. c. 18. Sect. 3.

Confession, or two Witnesses.

Five Pounds, to be certified un-
der Hand and Seal to the Church-
wardens and Overseers of the Poor of
the Parish, where the Offence is com-
mitted.

To be levied by Distress and Sale,
&c.

And for Want of Distress, Im-
prisonment.

[Two] Contracts, Combinations,
Agreements, By-Laws, &c. of
Weavers, Woolcombers, &c. for re-
gulating the Trade, settling the
Prices of Goods, advancing their
Wages, or lessening their Hours of
Work, &c. to be illegal and void.
And Persons keeping up any such
Contract, Combination, &c.

Stat. 12 *Geo.* 1. c. 34. Sect. 1.

On Conviction by Oath of one,
before two Justices, within three
Months after the Offence, to be sent
to the House of Correction, or Com-
mon Gaol, not exceeding three
Months.

Ibid. Sect. 1.

Weavers, &c. retain'd and de-
parting their Service before the End
of the Term agreed on, or not re-
turning to Work before finished, ex-
cept for some reasonable Cause.

Stat. 12 *Geo.* 1. c. 34. Sect. 2.

To be sent to the House of Cor-
rection for three Months.

Ibid. Sect. 2.

Weavers, &c. dammifying of
Work.

Stat. 12 *Geo.* 1. c. 34. Sect. 2.

Double the Value, or be com-
mitted.

Ibid. Sect. 2.

A P P E N D I X

Offences.

Cloth and Clothier.

Penalties.

Clothiers to pay Weavers and Work-people the full Prices, and Wages agreed on, in Money, and not in Goods.

Stat. 12 Geo. 1. c. 34. Sect. 3.

Clothiers paying their Work-People in Goods, or by Way of Truck.

Ibid. Sect. 4.

Two Justices may levy the Money by Distress, and if none, commit the Offender to Gaol for six Months. *Ibid.* Sect. 3.

* 10 l. a Moiety to the Informer, and the other to the Party grieved: But an Appeal lies to Quarter-Sessions.

Ibid. Sect. 4, 5.

* Note; By 13 Geo. 1. c. 23. the Prosecution for this is to be within three Months after the Offence.

Prosecution for this is to be within

If any shall assault a Master-Weaver, &c. whereby he has any bodily Hurt, for not submitting to such Combinations, By-Laws, &c. *supra*, or shall write or send any Letter or Message threatening Hurt to him, or to burn his House, cut down his Trees, maim his Cattle, &c. for not complying with their Demands, on Conviction within twelve Months, he shall be adjudged guilty of Felony, and transported for seven Years.

Stat. 12 Geo. 1. c. 32. Sect. 6.

And Persons breaking into any Shop by Day or Night, to destroy any Woollen Goods or Tools, &c. employed in the making thereof, or who shall cut or destroy any such Goods in the Loom, or on the Rack, &c. shall suffer Death as Felons, without Benefit of Clergy. *Ibid.* Sect. 7.

No Maker of mixed or Medley-Woollen Broad-cloth, shall use any long Warping-Bars, but such as are three Yards and three Inches in Length. And round Ones to be four Yards and four Inches round, and no more; and the Thrums at each End of the said Bars, are not to exceed eighteen Inches long.

Stat. 13 Geo. 1. c. 23. Sect. 1.

Ten Pounds, leviable by Distress and Sale, one Moiety to the Informer, the other to the Poor; and if no Distress, Commitment for three Months, or till Payment, &c.

Ibid. Sect. 1.

And Note; All Disputes relating to Work, Wages, &c. betwixt Clothiers, Combers, Weavers, &c. are to be heard by two or more Justices, who are to summon the Parties, examine on Oath, adjudge such Satisfaction, and give such Costs to the Party grieved, as in their Discretion shall seem reasonable, and levy the same by Distress, &c. or in Default commit, &c. not exceeding three Months. (But an Appeal lies to Quarter-Sessions). And the Proceedings of the Justices herein, either in or out of Sessions, shall not be removed by *Certiorari*.

Stat. 13 Geo. 1. c. 23. Sect. 5, 6.

A P P E N D I X

Offences.

Cloth and Clothier.

Penalties.

All Wool, Yarn, &c. for making such Cloth, to be given out and received by Weight at sixteen Ounces to the Pound.

Stat. 13 Geo. 1. c. 23. Sect. 2.

Clothiers, &c. interrupting the Search of Constables on a Justice's Warrant.

Ibid. Sect. 7.

Clothiers to pay their Weavers according to the Number of Yards that Chains are laid on the Warping-bar.

Ibid. Sect. 9.

Owners of Tenters or Racks in Gloucestershire, Wilts and Somerset, to measure such Tenters, &c. and mark in large Figures their Length of Yards, (beginning N^o 1. on the Foreside of the Top Bar), each Yard to contain thirty-six Inches, and one Inch more for over Measure usually allow'd in Cloths.

Ibid. Sect. 10.

[Three] If any Means be used whereby Linen Cloth shall be deceitful, or made worse for Use.

Stat. 1 Eliz. c. 12. Sect. 1.

Quor. 1.

[Du. Sect.] Persons stretching or straining any Cloths made on the North Side of Trent.

A Stat. 39 Eliz. c. 20. Sect. 12.

Vide Stat. 10 Ann. c. 16.

Persons using any Engine, or stretching or straining Cloths.

Stat. 39 Eliz. c. 20. Sect. 2.

If a Seal of Lead be not set on Northern Cloths.

Stat. 39 Eliz. c. 20. Sect. 3.

On Penalty of 5 l.

Forfeit 5 l.

On Forfeiture of 5 l.

On Forfeiture of 5 l. for every Tenter or Rack not so numbred and mark'd.

The Cloth is forfeited, and the Person to be committed for a Month, and fined.

Five Pounds; one Third to the Queen, another to the Informer, and another to the Poor of the Place where the Offence is committed.

Twenty Pounds, to be divided, *ut supra*.

The same is forfeited, and 4 s. for every Yard it wants of due Length; and 2 s. for every Pound it wants of due Weight, to be divided, *ut supra*.

[C 4]

Ten

A P P E N D I X

Offences.

Cloth and Clothier.

Penalties.

If any, save the Overseers, set or take away a Seal, to or from the said Cloths, without Warrant.

Stat. 39 Eliz. c. 20. Sect. 7.
Two Witnesses.

Servants to Clothiers, &c. refusing to serve for the Wages limited by the Statute; or being retained, departing their Service, without a Quarter's Warning, or lawful Cause.

Stat. 5 Eliz. c. 4. Sect. 9.

Woollen-Cloth Weavers taking an Apprentice, or teaching any their Art, save their own Children, or such whose Parents have three Pounds per Annum Freehold.

Stat. 5 Eliz. c. 4. Sect. 29.

Every Cloth-worker, Fuller, Sheerman, Weaver, Taylor, and Shoemaker, who does not keep one Journeyman for every three Apprentices; and for every Apprentice above three, another Journeyman.

Stat. 5 Eliz. c. 4. Sect. 33.

Persons aggrieved by Order of one Justice, on a Conviction touching Mixed Broad-Cloth, may, on giving sufficient Notice, appeal to Quarter-Sessions, whose Determination is final.

Stat. 10 Ann. c. 16. Sect. 9.
1 Geo. I. c. 15. Sect. 10.

Note; Stat. 1 Geo. I. c. 15. does not extend to any Factor or his Agent, employed in Selling of Mixed or Medley Broad-Cloth. Sect. 11.

Nor to any Cloth made in Yorkshire, or to invalidate the Act 7 Ann. c. 13. for the Length and Breadth of Cloths made there. Sect. 14.

In Scotland, to appoint Stamps, to be kept at proper Places, where Linnen-Cloth is sold, for the Stamping or Marking thereof, and to appoint qualified Persons for stamping it, who are to take an Oath *de Fidei*, and find Sureties for the faithful Execution of the Office, in such Sum as the Sessions shall appoint.

Stat. 10 Ann. c. 21. Sect. 4.

Ten Pounds for the first Offence, twenty Pounds for the second. To be divided, *ut supra*.

And besides suffer the Pillory.

To be imprisoned, without Bail; but upon Submission to perform the Service, to be enlarged without Fee.

Twenty Pounds for every Month.

Ten Pounds.

Not to extend to Norwich and Norfolk.

If the Sessions confirm or disannul the Order, they shall allow such Costs and Charges to the Party grieved, as they think reasonable.

To be levied and paid as in other Cases of Appeal.

A P P E N D I X

Offences.

Cloth and Clothier.

Penalties.

[Qu. Sess.] After *Easter*, are yearly to appoint Inspectors, and may allow each, not exceeding 30 l. *per Ann.* who are to take an Oath well and truly to execute their Office, and at all seasonable Times enter and inspect every Mill, Shop, Outhouse, and Tenter-Ground of Clothiers, Mill-men, &c. and measure the Length of Tenters, and Length and Breadth of Clothes there, stamp their Names on a Lead Seal furnish'd by the Maker, and affix it at the Head of every Cloth; keep a Register of the Clothier or Mill-man's Name, and Number, Length and Breadth of every Cloth, and deliver a true Copy of such Register at every Quarter-Sessions.

Stat. 13 Geo. I. c. 23. Sect. 10.

A Clothier or Mill-man, &c. refusing an Inspector Entrance, &c.

Ibid. Sect. 11.

A Mill-man, sending home Cloths before inspected, &c. For every Piece of Cloth so sent.

Sect. 14.

Every Maker of such Broad-Cloth to pay the Inspector 2 s. for every Cloth he makes before sent from the Mills; and Inspectors are every three Months to pay the Money to the County Treasurer, to be applied by Direction of the Justices at their Sessions, towards the Salaries of Inspectors, &c.

Ibid. Sect. 13.

See the Stat. 11 Geo. I. c. . For better Regulating the Manufacture of Cloth in the *West-Riding of Yorkshire*, which is continued by Stat. 6 Geo. 2. c. 37. till 1 Sept. 1740. and to the End of the next Session.

See more of Clothiers Tit. Dyers and Servants

Coaches. Vide Hackney-Coaches.

Inspectors acting against their Oath, &c. forfeit 20 l.

Ibid. Sect. 12.

Ten Pounds.

Forfeits 40 s.

Coals.

A P P E N D I X

Coals.

Offences.

[One] **P**ersons having a Hand in removing or altering the Marks upon Keels and other Boats, Carts and Wains for Carriage of Coals, in the Port of *Newcastle upon Tyne*.

Stat. 30 *Car.* 2. c. 8. Sect. 6.

6 & 7 *W.* 3. c. 10. Sect. 7.

One Witness.

Penalties.

Ten Pounds, to be levied by Distress and Sale; and on Default to be committed for three Months.

See also the Stat. 3 *Geo.* 2. c. 36. whereby divers new Offences are created, and heavy Penalties enjoined; but none above 5 *l.* to be in the Cognizance of Justices of Peace. But of such one Justice may take Cognizance, and levy the Penalty; one Moiety to the Informer, the other to the Poor; and if not paid, Commitment not above thirty Days, nor less than fourteen.

Ibid. Sect. ult.

Coffee, Tea, and Chocolate.

[One] **N**ote; the Statute 10 *Geo.* 1. which takes off the Custom-Duties on Coffee, Tea, and Chocolate, grants certain inland Duties thereon, payable by the Druggists and Dealers therein. And Entries are to be made in Writing of all Ware-houses, Shops, and Places where made, &c.

Stat. 10 *Geo.* 1. c. 10. Sect. 1, &c. and Sect. 9 & 10.

And no Coffee, &c. is to be brought into such Ware-house, &c.

Ibid. Sect. 11.

On Penalty of 200 *l.* and Forfeiture of the Goods, &c.

Forfeiture of the Goods, and treble the Value.

Officers of the said Duties may, in the Day-time, enter such Ware-houses, Shops, and Places, to Weigh, Gauge, and take Account of Coffee,

&c.

Hindring the Officer, or not assisting, or not keeping such Weights and Scales, forfeits 100 *l.*

Obstructing

A P P E N D I X

Offences. Coffee, Tea, and Chocolate. Penalties.

£c. The Owner to assist therein,
and to keep good Scales, Weights,
£c.

Ibid. Sect. 12.

Officers on Suspicion of Coffee,
£c. concealed, £c. may (if within
the Weekly Bills) on Oath before
the Commissioners of the Duties, (or
if in other Places) before one Justice,
by their Special Warrant by Day, or
(with a Constable, £c.) by Night,
enter suspected Places, and seize and
carry away such concealed Coffee,
£c.

Ibid. Sect. 13.

Obstructing or hindring the Offi-
cer, £c. in entering or seizing for-
feits 100 l.

Coits. See Title Games not lawful.

Coin and Coining.

[One] Sheriff or other Officer
refusing any lawful Coin
in Payment.

Stat. 19 H. 7. c. 5. Sect. 6.

Where any Tools or Instruments,
for Coining or counterfeiting Gold or
Silver Monies, are found.

Stat. 8 & 9 W. 3. c. 26. Sect. 5.

May compel him to take it, and
otherwise punish him at Discretion.

The Instruments and the Persons
in whose Custody they are found, to
be seized and carried before a Justice.
And the Persons and Instruments to
be secured, and Instruments to be
produced as Evidence, and after-
wards defaced and destroyed.

Counterfeit-Money given in Evi-
dence to be cut in Pieces afterwards,
and then given to the Party.

See the several Statutes for encouraging the Coinage, viz. 25 Car. 2.
18 Car. 2. Jac. 2. 4 W. & M. 7 Ann. 1 Geo. 1. 4 Geo. 2. £c.

Collar-makers. Vide Tanners.

Collectors of the Customs. Vide Apprentices.

Commission

A P P E N D I X

Commission of the Peace.

Offences.

Penalties.

[Qu. Sess.] **I**N every Commission of the Peace this Clause is to be inserted, viz. That the Justices of Peace in their Sessions shall have Power to enquire of Watches, and to punish them who shall be found in Default, according to the Statute of *Winchester*.

Stat. 5 H. 4. c. 3.

See Justices of the Peace.

Combinations of Workmen in the Woollen Manufacture, against
12 Geo. 1. c. 34. See Tit. *Clothiers*.

Conies and Cony-Dogs. See Tit. *Game*.

Conformity.

[Qu. Sess.] **T**O take the Oath of Persons having Offices, &c. convicted of *Non-Conformity*. That they have *conformed for a Year past*, and received the Sacrament three Times within the Year.

Stat. 10 Ann. c. 2. Sect. 4 & 5.

None to suffer, unless Oath be made of the Offence within ten Days before a Justice.

And Prosecution thereupon within three Months after the Offence committed.

And Conviction by the Oath of two Witnesses.

Conspiracies.

[Qu. Sess.] **B**Utchers, Brewers, Bakers, Poulterers, Cooks, Coster-Mongers, or Fruiterers, who conspire, or promise together, that they will not sell their Victuals but at certain Prices.

Stat. 2 & 3 Ed. 6. c. 15. Sect. 1.

First Offence, 10 l. to the King; and if not paid in six Days after Conviction, twenty Days Imprisonment, with Bread and Water.

Second Offence, twenty Pounds; and if not paid in six Days, Pillory.

Third Offence, forty Pounds; and if not paid in six Days, Pillory again, Loss of an Ear, and infamous.

See Cloth, &c.

Constables.

A P P E N D I X

Constables.

Offences.

[Two] IF Constables, Headboroughs, or Tithingmen die, or go out of the Parish, may swear new ones, till the Lord of the Manor holds a Court-Leet, or till the next Quarter-Sessions.

Stat. 13 & 14 Car. 2. c. 12. Sect. 9.

Penalties.

Convids.

[Two] ANY Person having the Benefit of his Clergy, and being committed to the House of Correction, and escaping out of Prison, and being re-taken.

Stat. 5 Ann. c. 6. Sect. 3.

Quor. 1.

To be committed to some House of Correction, or publick Work-house, in the Place where re-taken, without Bail or Mainprize, for not less than twelve Months, and not exceeding four Years, to be set to work, and kept to hard Labour.

Cooks. See Tit. Conspiracies.

Coopers.

[Qu. Sess.] THE Rates and Prices which Coopers are to sell their Vessels at, to be set in Sessions after Easter yearly.

Stat. 8 Eliz. c. 9. Sect. 5.

Corn.

[Qu. Sess.] AFTER Michaelmas and Easter, yearly, they are, by the Oaths of two or more Persons of the respective Counties, where Foreign Corn, or Grain shall be imported, not concerned in importing it, and of twenty Pounds per Annum Freehold, or fifty Pounds per Annum Leasehold, or by such other Means as they shall think fit, to determine the Market Prices of middling English Corn, and to certify the same with

A P P E N D I X

Offences.

Corn.

Penalties.

with two such Oaths to the Officer of the Customs, to be hung up in the Custom-house there.

Stat. 1 Jac. 2. c. 19. Sect. 3. See *infra*.

To be done in London, in October and April, by the Lord Mayor, Aldermen and Justices of Peace there.

Where Justices omitted to settle the Prices of Corn at their Sessions after Michaelmas last, they are to settle it at their next Quarter-Sessions, or Adjournment thereof, according to the Method prescribed *supra*; and thereon to grant Certificates; and Officers of the Customs are to govern themselves thereby. Stat. 2 Geo. 2. c. 18. Sect. 1.

Corn imported since the first Day of the said Michaelmas Quarter-Sessions, and the Duty thereof not paid, to be forfeited.

Ibid. Sect. 2.

Justices at their Michaelmas and Easter Quarter-Sessions omitting to determine the Prices of Corn, and to certify the same as the Stat. 1 Jac. 2. requires, the Collector at the Port may receive the Duty (according to the lowest Prices mentioned in the Act of 22 Car. 2.)

Ibid. Sect. 3.

(Where Foreign Corn may be Imported.)

[Du. Sect.] To give in Charge to the Grand Jury in open Court, to Present the common Market Prices of English Corn and Grain of the several Sorts mentioned in the said Statute Car. 2. and which the Jury are required to present in open Court.

Stat. 5 Geo. 2. c. 12. Sect. 1.

The Justices to certify such Presentment in Writing to the chief Officer and Collector of the Customs in the Port where such Corn and Grain shall be imported; which shall be hung up in some publick Place in the Custom-House there.

Ibid. Sect. 2.

And the Duties on Foreign Corn or Grain imported, to be paid according to such Prices.

Ibid. Sect. 3.

This Act not to prejudice the Authority given by the Act of 1 Jac. 2. to the Mayor, Aldermen, and Justices of London.

Ibid. Sect. 4.

No Warrant, Sufferance, Cocquet, &c. to be granted for Transporting any Foreign Corn, &c. to any other English Haven after Importation, or Lade, or procure it to be laded in order to be landed, &c. in any other Port, &c. of Great Britain.

Forfeiture of the Corn, and 20s. for every Bushel so carried out or laden, and also the Vessel and Furniture; one Moiety to the King, the other to the Prosecutor suing at Westminster. No Essoin, &c. And the Master and Mariners knowing the Offence,

APPENDIX

Offences. Com. Coroner. Cottages. Penalties.

Offence, &c. and thereof convicted, imprisoned for three Months *sans* Bail.

Ibid. Sect. 5.

See Tit. *Dychar.*

Coroner.

[*Qu. Sess.*] Coroner not doing his Duty without Fee, where a Person is slain by Misadventure.

Forty Shillings.

Stat. 1 H. 8. c. 7. Sect. 1.

Costermongers. See Tit. Conspiracies.

Cottages.

[*Qu. Sess.*] Erecting a Cottage for Habitation, without four Acres of Freehold.

Ten Pounds to the Queen.

Or Continuance of it.

Forty Shillings a Month to the Queen.

Stat. 31 Eliz. c. 7. Sect. 1.

Owner or Occupier of a Cottage, suffering any more Families than one to dwell there.

Ten Shillings a Month to the Lord of the Lect.

Stat. 31 Eliz. c. 7. Sect. 3.

Note; The Stat. 31 Eliz. c. 7. extends not to Cottages in Cities, Boroughs, or Market-Towns, or provided for Labourers in Mines or Quarries, within one Mile of them; or for Sea-faring Men in a Mile of the Sea, or a Navigable River; or for Keeper, Warrener, Shepherd, or Herdsman; or an impotent Person; or to Cottages, which by Order of Justices of Assize, or Justices of Peace in Sessions, shall be decreed to continue for Habitation.

Stat. 31 Eliz. c. 7. Sect. 4.

County.

A P P E N D I X

County Courts.

Offences.

[One] **S**heriff, Under-Sheriff, or Sheriff's Clerk, entering, in the County Court, any Plaint in the Absence of the Plaintiff or his Attorney, or having above one Plaint for one Cause.

Stat. 11 H. 7. c. 15. Sect. 6, 8.

Penalties.

Forty Shillings, to be divided between the King and the Prosecutor.

To examine this Matter; and if the Party be found guilty, to certify the Examination into the Exchequer within three Months, in Pain of forty Shillings.

The Certificate is a Conviction.

See Title **Bailiffs, Constables, and Sheriffs.**

Currier.

[Du. Sell.] **C**urrier, currying Hide or Skin insufficiently tanned and dried, or out of his own House, in some Corporate or Market-Town, or gashing or spoiling them.

Stat. 1 Jac. 1. c. 22. Sect. 22.

Six Shillings and Eight-pence a Skin or Hide, besides the Value of the same.

To be divided, one third to the King, one to the Prosecutor, and the other to the City, Borough-Town, or Lord of the Liberty where the Offence is committed.

And to the Party griev'd, twice so much as he impairs.

Persons in London, or three Miles, putting any Leather to be curried to any but Freemen of the Curriers Company.

Ibid. Sect. 23.

Forfeit the same, or the Value.

To be divided in Thirds, one to the Seisor, another to the Chamber of London, the Third to the Poor.

Within the Jurisdiction of London, Persons putting into made Wares any curried Leather, before it be searched and sealed.

Ibid. Sect. 24.

Six Shillings and Eight-pence a Hide or Skin, and the Value of every such Hide or Skin, to be divided in London, *ut supra*.

Currier using the Art of a Tanner, Cordwainer, Shoe-maker,

Butcher,

Six Shillings and Eight-pence for every Hide or Skin he cutteth during the Time.

To

A P P E N D I X

Offences. Currier. Custom-house Officers. Penalties.

Butcher, or any other who useth cutting of Leather.

Ibid. Sect. 25.

Currier (sufficient Stuff being tender'd unto him) refusing sufficiently to curry Leather within eight Days in Summer, and sixteen in Winter, after he takes it in Hand.

Ibid. Sect. 24.

Currier in London not currying his Leather sufficiently, other Artificers (using tanned and curried Leather) putting into his Wares Leather insufficiently tann'd or curried.

Ibid. Sect. 44.

To be divided *ut supra*.

Ten Shillings for every Hide or Piece not curried.

The Wares, and the just Value, to be divided in Thirds in London, *ut supra*.

See Tit. Leather, Shoemakers and Tanners.

Cursing. See Tit. Swearing and Cursing.

Custom-house Officers.

[One] Persons resisting, abusing, beating, &c. Custom-house Officers, or their Deputies, in the Execution of their Office.

Stat. 13 & 14 Car. 2. c. 11. Sect. 6.

Carman, or other Person, assisting in taking up, landing, shipping, or carrying away any Goods, &c. without a Warrant, or in the Presence of one or more Officers of the Customs.

Stat. 13 & 14 Car. 2. c. 11. Sect. 7.

Two Witnesses.

Persons arm'd with Clubs, or any Manner of Weapon, tumultuously assembled in the Day or Night, to the

Vol. II.

Number

To be committed till the next Quarter-Sessions, and fined then, not exceeding 100 Pounds, and to remain in Prison till discharged by Order of Exchequer, or discover who set them on Work.

First Offence, To be committed, till he find Sureties for the Good Behaviour, or be discharged by the Lord Treasurer, Chancellor, Under-Treasurer, or Barons of the Exchequer.

Second Offence, To be committed for two Months, or till he pay five Pounds to the Sheriff, for the King's Use, or be discharged by the Lord Treasurer, &c.

Being convicted, shall by Order of Court be transported for such Term as the Court shall think fit, not exceeding

[D]

A P P E N D I X

Offences. Custom-house Officers. Penalties.

Number of eight or more, their Aiders and Assistants forcibly hindring, wounding or beating Custom-house Officers in the due Execution of their Office.

Stat. 6 Geo. 1. c. 21. Sect. 33.

Such Offender returning into *Great Britain* or *Ireland*, before the Expiration of the said Term.

Stat. 6 Geo. 1. c. 21. Sect. 34.

Customs, &c. See Smuglers,

Cyder-maker: See Tit. Excise,

Deer. See Tit. Game.

ceeding seven Years, in the same Manner as Felons are by 4 Geo. 1. c. 11.

Felony, without Benefit of Clergy.

Deer-stealers.

[One] Persons coursing, killing, hunting, or taking away Red or Fallow Deer, in any Ground where Deer are kept, without Consent of the Owner, or Persons chiefly intrusted therewith; or are aiding therein.

Stat. 13 Car. 2. c. 10. Sect. 2.

Confession, or one Witness.

Prosecution within six Months.

Persons unlawfully coursing, hunting, taking in Toils, killing, wounding, or taking away any Red, or Fallow Deer, in any Forest, &c. without the Consent of the Owner, or be aiding therein.

Stat. 3 & 4 W. & M. cap. 10. Sect. 2.

Confession or Oath of one Witness.

Profe-

20 *l.* to be levied by Distress and Sale; for Want of Distress, to be committed to the House of Correction for six Months, or to the Common Gaol for a Year, not to be discharged but upon Security for the Good Behaviour for a Year, after Enlargement.

Twenty Pounds for the Offence of Hunting, &c.

And for every Deer taken or killed 30 *l.* to be levied by Distress and Sale.

One Third to the Informer, the other to the Poor, and the Rest to the Owner.

For Want of Distress twelve Months Imprisonment, and to be set in the Pillory for an Hour, in some

A P P E N D I X

Offences.

Deer-stealers.

Penalties.

Prosecution to be in 12 Months; some Market-Town next to the and where the Offence is committed; Place.
or Party apprehended.

To grant a Warrant to Constables, Headboroughs and Tithing-men, when Deer are stolen, to search as for stolen Goods.

Stat. 3 & 4 W. & M. c. 10. Sect. 3. See Stat. 9 Geo. 1. c. 22. Sect. 11.

If upon Search any Venison or Skins of Deer, or Toils be found, and the Persons can give no good Account how they came by them, nor in some convenient Time produce the Person of whom they bought them, or prove such Sale upon Oath.

Stat. 3 & 4 W. & M. cap. 10. Sect. 3.

Confession, or Oath of one Witness.

Persons in the Night-time, pulling down or destroying the Pales or Walls of any Park, Forest, &c. or other Ground inclosed, where Red or Fallow Deer shall be kept.

Stat. 3 & 4 W. & M. cap. 10. Sect. 9.

Oath of one Witness.

[One] Keepers or other Officers of any Forest, Chase, Purlieu, Pad-dock, Wood, Park or Place where Deer are usually kept, convicted of killing or taking away any Red or Fallow Deer, or being aiding there-in without the Consent of the Owner or Person chiefly entrusted with the Custody of such Forests, &c.

Stat. 5 Geo. 1. c. 15. Sect. 5.

Persons pulling down, or destroy-ing, or causing to be pulled down or destroyed the Pales or Walls of any Park, Forest, &c. where Red or Fallow Deer shall be then kept without Owner's Consent.

One Witness.

Stat. 5 Geo. 1. c. 15. Sect. 6.

The same Penalties with the Deer-stealer.

And to be levied and employ'd, *ut supra*.

See Stat. 9 Geo. 1. c. 22. Sect. 17, &c. *post*.

Three Months Imprisonment.

50 *l.* for each Deer. To be le-vied by Distress, and distributed as Forfeitures are; by 3 & 4 W. & M. c. 10.

For Want of Distress, three Years Imprisonment, without Bail or Main-prize, and to be set in the Pillory for two Hours on the Market-Day.

Subject to the like Forfeitures and Penalties as for killing Deer.

A P P E N D I X.

Offences.

Deer-stealers.

Penalties.

May, on Confirmation of any Conviction of Deer-stealing, by Superior Courts at *Westminster*, and Delivery of the Rule, proceed against the party convicted in the same Manner as if a *Procedendo* had been granted.

Stat. 5 Geo. 1. c. 15. Sect. 2.

Convicts before discharged to be bound to the Person offended in fifty Pounds for their Good Behaviour, and not to offend in like Manner, and on Failure or Refusal, to be committed to the County-Gaol till so bound. And if afterwards convicted on the Stat. 3 & 4 W. & M. c. 10. the Penalty of the Bond is forfeited, to be recovered with full Costs of Suit, in any of the Courts at *Westminster*, and likewise liable to the Penalties and Forfeitures in the said Statute.

Stat. 5 Geo. 1. c. 15. Sect. 4.

No *Certiorari* for removing Convictions of Deer-stealing or other Proceedings upon the Stat. 3 & 4 W. & M. c. 10. to be allowed, unless he first give Securities to the Justices who convicted him, in sixty Pounds for each Offence, to prosecute it, and to pay the Justice the Forfeitures due, &c. or render the Party convicted to the Justice in a Month after Conviction confirmed, or *Procedendo* granted.

Stat. 5 Geo. 1. c. 15. Sect. 1.

[One] By 9 Geo. 1. c. 21. if any Persons with Swords, Fire-arms, or other offensive Weapons, and having their Faces black'd, or otherwise disguised, shall appear in any Forest, Warren, &c. or hunt, kill, or carry away any Deer, rob any Warren, steal Fish out of a Pond, or break down its Head, kill or maim Cattle, cut down Trees in Avenues, Gardens, &c. set Fire to a House, Outhouse, Stack of Corn, Straw, Hay, or Wood; shoot at any Person

Penalty to be distributed in the same Manner as Forfeitures are by 3 & 4 W. & M.

In Default of Rendering, &c. the Justice may proceed to execute the Conviction, as if no *Certiorari* had been.

Felony without Benefit of Clergy.

Sect. 1. &c.

Note; Indictments, &c. hereon are triable in any County; but a Conviction works no Corruption of Blood, Loss of Dower, or Forfeiture of Lands or Goods.

Ibid. Sect. 14.

A P P E N D I X

Offences.

Deer-stealers.

Penalties.

son, send a Letter without a Name, or in a fictitious Name demanding Money, Venison, &c. or rescue one in Custody for any the said Offences, or procure any Person to join in any such Offence.

Stat. 9 Geo. 1. c. 22. Sect. 1.

Note; This Statute was at first for three Years, and continued for five Years by Stat. 12 Geo. 1. And now by 6 Geo. 2. c. 37. to 1 Sept. 1736. and End of the next Session.

Persons guilty of any of the said Offences, surrendring to a Judge of B. R. or Justice of Peace, and making a Confession and Discovery on Oath of their Accomplices, and where they may be found, &c.

Ibid. Sect. 2.

To be pardoned, &c.

Ibid. Sect. 3.

Inhabitants of the Hundred to satisfy *Damages* sustained by killing or maiming of Cattle, destroying Trees, setting Fire to any House, Outhouse, Barn, Hovel, Stack of Corn, &c.

Ibid. Sect. 7.

Not exceeding 200 *l.* to be raised, &c. as the Stat. 27 Eliz. of Hue and Cry directs.

Ibid. Sect. 7.

But Notice must be given to the Inhabitants near, within two Days, and in four Days after that, an Information on Oath to a Justice of the Hundred by the Party injur'd, and examin'd whether they know the Party offending, and be bound by Recognizance to prosecute.

Ibid. Sect. 8.

Also Actions against the Hundred must be commenced within one Year: And if any of the Offenders be convicted within six Months after the Offence, the Hundred is not liable.

Ibid. Sect. 9 & 10.

One Justice may warrant any Peace-Officer to enter any House to search for stolen Venison.

Ibid. Sect. 11.

A Person having Venison or Deer-Skins found in his Custody, who bought

And subject to the Penalties of 3 & 4 *W. & M. Vide ante:*

[D 3]

And

A P P E N D I X

Offences.

Deer-stealers.

Penalties.

bought it of one suspected of stealing it, &c. and not producing the Party of whom he so bought it, or prove on Oath the Name and Place of such Party's Abode, shall be convicted of Deer-stealing before one Justice.

Ibid. Sect. 17.

[Qu. Sess.] Unlawfully entring into any Park, Woods, or other Grounds enclosed, and there killing or chasing the Deer.

Stat. 5 *Eliz.* c. 21. Sect. 7.

And subject to the Penalties of 3 *£* 4 *W. & M.* *Vide ante.*

Three Months Imprisonment, to be bound to the Good Behaviour for seven Years.

Treble Damages to the Party grieved.

Upon the Offender's Acknowledgment in Sessions, and Satisfaction to the Party, the Behaviour may be released.

Justices of Gaol-delivery, by Order of Court, to transport for seven Years to his Majesty's Plantations in *America* Persons convicted upon Indictment of Entring Parks, &c. with Armed Force, and wilfully wounding or killing Red or Fallow Deer there.

Stat. 5 *Geo.* 1. c. 28. Sect. 1.

Offenders punished by this Act, not punishable by any other.

The Act of 9 *Geo.* 1. c. 22. commonly called the *Black Act*, to be openly read at every Quarter-Sessions and Leet.

Stat. 9 *Geo.* 1. c. 22. Sect. 15.

But *Note*; the said Act, by Sect. 16. was to continue only for three Years, from 1 *July* 1723. and to the End of the next Session.

Deserters. See *Soldiers* and *Mariners*.

Dissenters.

(*Protestant.*)

[Qu.] **D**issenters, refusing to make and subscribe the Declaration in 30 *Car.* 2. and to take

To be committed without Bail, and their Names to be certified to the Quarter-Sessions.

A P P E N D I X

Offences.

Dissenters.

Penalties.

take the Oaths, instead of the Oath of Allegiance and Supremacy.

Stat. 1 *W. & M.* Sess. 1. *cap.* 18.

Sect. 12.

Vide 10 *Ann.* c. 2. Sect. 7 & 8.

Persons refusing the Oath when tender'd.

Stat. 1 *W. & M.* Sess. 1. c. 18.

Sect. 12.

Vide 10 *Ann.* c. 2. Sect. 7 & 8.

To enter into a Recognizance with two Sureties of 50*l.* for their producing a Certificate under the Hands of six of the Protestant Congregation, whereof he is one; two Protestant Witnesses, or a Certificate under the Hands of four Church of England Protestants, that he is a Protestant.

May require Dissenting Teachers preaching in any Congregation in such Counties where they have not qualified themselves as the Toleration-Act directs, to take the Oath and Declaration of Allegiance and Fidelity.

Stat. 10 *Ann.* c. 2.

[*Qu. Sess.*] Disturbing any Protestant Dissenting Teacher.

Stat. 1 *W. & M.* c. 18.
Two Witnesses.

Twenty Pounds.

The Acts of 10 *Ann.* c. 2. in Part, and 12 *Ann.* c. 7. excluding Dissenters from Offices, repealed by 5 *Geo.* 1. c. 4. But Magistrates knowingly or willingly resorting to, or being present at Meetings in *England, Wales, Berwick upon Tweed*, or the Isles of *Jersey* or *Guernsey*, with the Insignia or Habits of Office, are disabled, &c. Sect. 2.

See Tit. Oath of Allegiance, in Tit. Papist and Popish Superstition.

Distillers. See Tit. Excise.

Dogs. See Tit. Game.

Drovers. See Tit. Sunday.

Daymen. See Tit. Waggon and Waggoners.

A R P E N D I X

Drunkenness.

Offences.

[One] **O**NE convicted for being Drunk.

Stat. 4 Jac. 1. c. 5. Sect. 2.

21 Jac. 1. c. 7. Sect. 3.

View, one Witness, or Confession.

The Prosecution to be within six Months.

Alehouse-keeper convicted of Drunkenness.

Stat. 21 Jac. 1. c. 7. Sect. 4.

Conviction, *ut supra*.

Penalties.

Five Shillings for the Poor, where, &c. for the first Offence, within a Week, or to be levied by Distress and Sale after six Days.

And for Want of Distress, to sit in the Stocks six Hours.

For the second Offence to be bound in two Sureties in ten Pounds to the Good Behaviour.

Disabled to keep an Alehouse for three Years.

Duty on Houses. See Windows.

Dyers.

[Two] **D**YING Woollen Goods for Mather'd Blacks, not dyed throughout with Woad or Indico and Mather only; or dying Cloths or Bays for Woaded Blacks, and not woaded throughout, forfeits according to the Rates *infra*, and so in Proportion.

Stat. 13 Geo. 1. c. 24. Sect. 1, 3 & 7.

For a long Becking Bays of seventy Yards or more, if falsely Mather'd.

And if deceitfully Dyed.

For a Colchester or Short Bays of thirty-five Yards, or other like Woollen Goods falsely Mather'd.

And

Offences, if more than ten Miles from London, (where the Forfeiture does not exceed 5*l*.) to be determined by two Justices. The Whole to the Informer, and if not paid in twenty Days, leviable by Distress, &c. and if none, they may commit not exceeding three Months.

Ibid. Sect. 10, 11.

Forty Shillings.

Ibid. Sect. 2.

Thirty Shillings.

Ibid. Sect. 5.

Twenty-two Shillings.

Ibid. Sect. 3.

Twelve

A P P E N D I X

Offences.

Dyers.

Penalties.

And if Deceitfully Dyed

Twelve Shillings.

Ibid. Sect. 6.

For every Cloth falsly and deceitfully dyed (as Woaded) Black, not being Woaded throughout of forty-four Yards or more.

Forty Shillings.

Ibid. Sect. 4.

For every Perpetuana or Stuff so dyed.

Four Shillings.

Ibid. Sect. 7.

And so in Proportion for every other Woollen Goods dyed as for Woaded Blacks.

All Woollen Goods truly Mather'd Black to be mark'd with a Red Rose and a Blew Rose, and all such Goods woaded Black throughout, with a Blew Rose only. And counterfeiting Marks, or affixing such Marks to Woollen Goods deceitfully dyed.

Forfeits 4 *l.* for every Piece of Goods.

Ibid. Sect. 8.

Also using of Logwood in dying Blew, incurs the following Penalties, *viz.*

For every Piece of Cloth of forty-four Yards or more, so dyed.

Forty Shillings.

Ibid. Sect. 9.

For a long Bocking Bays of seventy Yards, &c.

Twenty-two Shillings.

Ibid. Sect. 9.

For a Colchester Bays of thirty-five Yards, &c.

Twelve Shillings.

Ibid. Sect. 9.

For a Perpetuana or Stuff of twenty-four Yards, &c.

Four Shillings.

Ibid. Sect. 9.

And so in Proportion.

Prosecutions for the said Penalties are to be within forty Days after the Offence discovered. And Persons aggrieved by the two Justices Judgment, may, on giving Notice, appeal to the next Quarter-Sessions, who are finally to determine, and may award Costs, &c. *Ibid.* Sect. 12.

All Penalties not exceeding 5 *l.* are determinable by two Justices or Quarter-Sessions, *ut supra*: But if the Offence be within London, or ten Miles,

A P P E N D I X

Offences.

Dyers. Estreats.

Penalties.

Miles, are one Moiety to the Informer, and the other to the Company of Dyers; and if above ten Miles from London, the whole to the Informer. *Ibid.* Sect. 11.

[*Qu. Sess.*] Within London and ten Miles thereof, the Dyers Company, and above ten Miles the Quarter-Sessions are to appoint *Searchers*, who (with a Peace-Officer) may by Day enter Shops, Warehouses or Work-houses of Dyers, &c. to search and examine Cloths, Bays, Stuffs, &c. dyed or to be dyed Black or Blew; and opposing, hindring, or refusing such Search, forfeits Ten Pounds, to be recovered at Westminster, &c. *Ibid.* Sect. 10 & 11.

East-India Company. See Felony.

Eggs. See Tit. Game.

Episcopal Ministers and Congregations. See Tit. Church.

Estreats.

[*One*] **T**HE Officer who collects *Estreats* out of the County-Court, if he levies more than is contained in them.

Stat. 11 H. 7. c. 15. Sect. 19.

40 s. to be divided between the King and the Prosecutor.

To examine this Matter; and if the Party be found guilty, to certify the Examination into the Exchequer within three Months, on Pain of 40 s.

The Certificate is a Conviction.

[*Two*] To view the *Estreats* before the Sheriff issues them out of the County-Court: And there are to be two Parts of them indented and seal'd by the Justices and Sheriff. One Part to remain with the Justices, and the other with the Sheriff.

Stat. 11 H. 7. c. 15. Sect. 17, 18.

Quor. I.

[*Qu. Sess.*] The Justices who are to have the Controlment of the Sheriff, and his *Estreats*, are to be named in *Michaelmas* Sessions, by the *Custos Rotularum*, or in his Absence by the Eldest of the *Quorum*.

Stat. 11 H. 7. c. 15. Sect. 20.

Examinations.

A P P E N D I X

Examination.

Offences.

[One] **O**NE accused of Manlaughter or Felony, who for Want of Bail is to be sent to the Gaol, must be *examined* before he send him; and the Accusers must be bound over to give Evidence, whose Information must be taken in Writing.

Stat. 2 & 3 Phil. & Mar. c. 10.

Penalties.

Excise. See Coffee, Malt, and the several late Annual Statutes of *Excises* on Malt, Mum, Cyder, &c.

[One] **A**LL Informations, Complaints, and other Proceedings before Justices, by Virtue of the Stat. 6 Geo. 1. c. 21. or any other Act or Acts whatsoever, relating to the Duties of Excise, or any other Duty under the Management of the Commissioners of Excise, to be entred and inrolled in *English*. Sect. 23.

[Two] Persons opposing, molesting, or obstructing the *Officers* of *Excise* in the due Execution of the Powers or Authorities given by the Stat. 6 Geo. 1. c. 21. or any other Act or Acts relating to the Duties of Excise. Sect. 7.

Forfeit ten Pounds, to be sued for, recover'd and levied or mitigated by such Ways and Means and Methods, as Penalties, &c. may by any Law of Excise.

(Brandy.)

All Distillers, Makers or Sellers of, or Dealers in Brandy, Arrack, Rum, Strong-Waters, or Spirits, by Wholesale or Retail, to make true Entry in Writing of all Warehouses, Storehouses, Rooms, Shops, Cellars, and Vaults, made Use of for keeping Brandy, &c. for Sale, at the next Excise-Office.

Stat. 6 Geo. 1. c. 21. Sect. 11.

All Persons who after 1 Aug. 1720. shall become Distillers, Makers, or Sellers of, or Dealers in Brandy, &c.

On Penalty of forfeiting 20 l. for every such Warehouse, &c. so made Use of without Entry.

To be sued for, recover'd and levied or mitigated in the same Manner as any Penalty or Forfeitures may by any the Laws of Excise.

One Moiety to the King, the other to the Informer. Sect. 14.

See Tit. *Brewers*.

On the like Penalty of 20 l. for every such Warehouse, &c. so made Use of without Entry.

To

A P P E N D I X

Offences.

Excise.

Penalties.

(Brandy.)

to make like Entry of Warehouses, &c. before they take into their Custody or Possession any Brandy, &c.

Stat. 6 Geo. 1. c. 21. Sect. 12.

No Brandy, &c. to be brought into such Warehouse, &c. by Distillers, &c. without first giving Notice to Excise-Officer, and producing to and leaving with him an authentick Certificate that the Duties of such Brandies, &c. have been actually paid, or condemned as forfeited, or was Part of the Stock of some Importer, Distiller, or Maker who paid the Duty.

Stat. 6 Geo. 1. c. 21. Sect. 13.

Distiller, Maker, Seller, or Dealer in Brandy, &c. hindring or refusing Officers of Excise to enter into their Warehouses; &c. to take an Account of Brandy, &c. or shall let, hinder or obstruct Officers in executing Powers given them by the Stat.

6 Geo. 1. c. 21.

Stat. 6 Geo. 1. c. 21. Sect. 14.

No Brandy, &c. to be sold, utter'd, or exposed to Sale by Wholesale or Retail, but when the same shall be in some or one of the said Warehouses, &c. so entred.

Stat. 6 Geo. 1. c. 21. Sect. 15.

No Brandy, &c. exceeding a Gallon, to be removed or carried from any Part of Great Britain to another by Land or Water, without a Permit or Certificate from one of the Officers of Excise.

Stat. 6 Geo. 1. c. 21. Sect. 17.

Note; Persons, who shall have in their Custody any Brandy, &c. exceeding the Quantity of sixty-three Gallons, are deemed Sellers of Brandy, &c. and are subject to the Survey of the Officers of Excise.

Stat. 6 Geo. 1. c. 21. Sect. 18.

To be levied, mitigated, and divided, *ut supra*.

On Penalty of forfeiting the Brandy, &c. so brought in without Notice or Certificate, together with the Cask and Vessel.

50 l. for every Offence.

To be sued for, levied, mitigated, and divided, *ut supra*.

On Penalty of 40 s. for every Gallon, &c.

To be levied, mitigated, and divided, *ut supra*.

On Penalty of forfeiting the Brandy, &c. so removed, together with the Cask or Vessel.

Justices

A P P E N D I X

Offences.

Excise.

Penalties.

(Brandy.)

Justices residing near the Place where a Seizure of Brandy, &c. clandestinely imported, shall be made, to summon the Person in whose Custody such Brandy, &c. was found, to appear before them, and upon the Appearance or Default of such Person so summoned, may in a summary Way proceed upon, hear, examine into, determine, and give Judgment for the Condemnation of such Brandy, &c. And if it shall be found to be forfeited, to issue out their Warrant for Sale of such Brandy, &c. together with the Cask or Vessel.

Stat. 6 Geo. 1. c. 21. Sect. 20.

Judgment of the Justices is final, and not liable to *Appeal* or *Certiorari*.

When Brandy, &c. is seized as aforesaid, and no Claim made in twenty Days, the Officer must cause Publick Notice to be given by Proclamation the next Market-Day after the said twenty Days, of the Day and Place when and where the Justices will proceed to examine into the Cause of such Seizure, and to give Judgment for the Condemnation of such Brandy, &c. so seized.

Judgment final and not liable to *Appeal*, or *Certiorari*.

Stat. 6 Geo. 1. c. 21. Sect. 21.

Note; In both these last Cases, Justices have no Jurisdiction within the Limits of the Chief Excise-Office in London. Nor in Cases where the Seizure is made for unlawful Importation, and the whole Quantity of Brandy, &c. at any one Time for that Cause seized, doth exceed sixty-three Gallons.

Stat. 6 Geo. 1. c. 21. Sects. 20. & 21.

Master and Purser of any Ship, who shall suffer any Brandy, &c. or other uncustomed or prohibited Goods, to be put out of his Ship or Vessel into any Hoy, Lighter, Boat, or Bottom, to be laid on Land; or shall suffer any Wool, Woolfells, Mortlings, Shortlings, Yarn made of Wool, Wool-flocks, Fullers-Earth, Fulling-Clay, or Tobacco-pipe Clay, to be put on board such Ship to be carried beyond Sea.

Stat. 6 Geo. 1. c. 21. Sect. 31.

If convicted, shall (besides the Penalties and Forfeitures to which they will be liable by any Law now in Being) suffer six Months Imprisonment without Bail or Mainprize.

(Brewers.)

[One] To take the Oath of two able Artifts to compute the Contents and Gauge of all Brewing-Vessels.

Stat. 15 Car. 2. c. 11. Sect. 7.

[Two]

A P P E N D I X

Offences.

Excise.

Penalties.

(Brewers.)

[Two] Brewers not making true Entries once a Week.

Stat. 12 Car. 2. cap. 23 & 24. Sect. 16, 17. 1 W. & M. Sess. 1. c. 24.

One Witness, or Confession.

The Prosecution must be within three Months.

Five Pounds; and 10*l.* more, to be levied by Distress and Sale, if not redeemed in fourteen Days; and for Want of Distress, Imprison'd till Satisfaction.

The Forfeiture may be mitigated, so as it be not less than double the Duty of Excise, besides Costs and Charges.

Three Fourths to the King, and one to the Informer, after Charges deducted.

Note; The first Warrant must be returned, That there is no Distress, before a second Warrant can issue, to take the Body.

Brewers not paying within a Week, and Retailers within a Month after making their Entries.

Stat. 12 Car. 2. c. 23. Sect. 17. c. 24. Sect. 31.

Prosecution and Conviction, *ut supra.*

Double the Duty, to be levied and mitigated, *ut supra.*

Brewers, Victuallers, and Distillers, refusing Gaugers to enter; and being forbid by Gaugers to sell, selling or delivering out any Liquors, not having paid the Duty.

Stat. 12 Car. 2. cap. 23. Sect. 19. c. 24. Sect. 32. 1 W. & M. Sess. 1. c. 24.

Prosecution and Conviction, *ut supra.*

Five Pounds, and ten Pounds more, over and above the double Value. To be levied, mitigated, and divided, *ut supra.*

Brewers making false Entries.

Stat. 12 Car. 2. c. 23. Sect. 23.

Prosecution and Conviction, *ut supra.*

Over and above the said Penalties, forfeits his Allowance for Waste and Leakage for six Months.

Brewer, or Retailer, without giving Notice at the next Excise-Office, setting up, altering or enlarging any Tun, Fat, Back, Cooler, or Copper, and using them, or keeping any private Store-house for laying such Liquors in Cask.

Stat.

Fifty Pounds for every Tun, &c. to be levied by Distress and Sale; and for want

To be committed to the County-Gaol for three Months.

One

A P P E N D I X.

Offences.

Excise.

Penalties.

(Brewers.)

Stat. 15 Car. 2. c. 11. Sect. 1.

1 W. & M. Sess. 1. c. 24.

Two Witnesses.

Informations to be brought in three Months, and Notice given in a Week after Information brought.

Persons in whose Occupation the House, &c. is, where a conceal'd Tun, &c. shall be discovered.

Stat. 15 Car. 2. c. 11. Sect. 1.

Prosecution and Conviction, *ut supra.*

Note; There must be an Adjudication of this specifick Forfeiture before the Justices, before a Sale, for the Use of the Poor; or a Distribution amongst them.

Brewer delivering, or carrying out Ale, or Beer, to his Customers in any City, &c. before Notice, unless between Three in the Morning and Nine in the Evening, from March 25 to September 29, unless between Five in the Morning and Seven in the Evening, from 29 September to 25 March.

Stat. 15 Car. 2. c. 11. Sect. 11.

Conviction, and Prosecution, *ut supra.*

Brewers converting small Drink into strong, by Mixture, after the Gauge taken, without Notice to a Gauger, or hiding, or concealing Drink ungauged.

Stat. 15 Car. 2. c. 11. Sect. 12.

Conviction, and Prosecution, *ut supra.*

Brewers not shewing to the Gaugers all the Beer, Ale, or Worts of every Guile.

Stat. 1 W. & M. Sess. 1. c. 24. Sect. 10.

Conviction and Prosecution, *ut supra.*

Brewers

One Third to the King, one Third to the Poor, and one Third to the Informer.

200 Pounds by Stat. 8 W. 3. cap. 19. Sect. 8.

Fifty Pounds, to be levied and employ'd, *ut supra.*

Or he to be punished, *ut supra*; and also such Tun, &c. with the Beer, &c. to be seized and delivered to the Overseers of the Poor, to be sold for their Use, or distributed amongst them.

Twenty Shillings a Barrel, to be levied and employed, and the Party punished, *ut supra.*

Twenty Shillings a Barrel, to be levied and employed, and the Party punished, *ut supra.*

To have no Benefit of the *Proviso* in 15 Car. 2. touching Mis-Entry, and incurs all the Penalties imposed by the former Acts.

Forty

A P P E N D I X.

Offences.

Excise.

Penalties.

(Brewers.)

Brewers or Victuallers cleaning before the whole Guile is brew'd off.

Stat. 7 W. 3. c. 30. Sect. 21.

Brewers or Victuallers, refusing Gauger to enter and stay in his Brewhouse, to see the Guile brew'd off.

Stat. 7 W. 3. c. 30. Sect. 22.

Brewer or Inn-keeper, upon carrying out Drink, or after carried out, mixing any Small with Strong, upon the Dray, or in the Victualler's Cellar.

Stat. 7 W. 3. c. 30. Sect. 23.

Brewer, Distiller, or any other, obstructing the Officer in searching for private Tun, Back, Cask, &c.

Stat. 7 W. 3. c. 30. Sect. 27.

Brewer refusing to declare his Length.

Stat. 8 & 9 W. 3. c. 18. Sect. 2.

Brewers making any Increase, or found laid off, after the Length declared.

Stat. 8 & 9 W. 3. c. 18. Sect. 2.

Brewer's Servant concern'd in making such Increase.

Stat. 8 & 9 W. 3. c. 18. Sect. 2.

Brewer keeping any private Pipe or Conveyance, &c. or Hole in any Tun, &c.

Stat. 8 & 9 W. 3. c. 18. Sect. 4.

Brewer, or other Person obstructing the Officer in searching for such Pipes.

Stat. 8 & 9 W. 3. c. 18. Sect. 6.

Forty Shillings a Barrel, to be recover'd and employ'd, *ut supra*.

Twenty Pounds, to be recovered, and employ'd, *ut supra*.

Five Pounds, to be recovered and employ'd, *ut supra*.

Twenty Pounds, to be recover'd and employ'd, *ut supra*.

Twenty Shillings a Barrel, for the whole Guile; to be recovered and employ'd, *ut supra*, and to be charged strong.

Five Pounds a Barrel, to be recovered and employ'd, *ut supra*.

Twenty Shillings, to be recovered and employ'd, *ut supra*.

100 Pounds, to be recovered and employ'd, *ut supra*.

50 Pounds, to be recovered and employ'd, *ut supra*.

Brewers

Twenty

A P P E N D I X

Offences.

Excise.

Penalties.

(Brewers.)

Brewers carrying out and delivering any Wash, Tilts, &c. to any Distiller, or Vinegar-Maker without Notice.

Stat. 8 & 9 W. 3. c. 18. Sect. 9.

Brewer, Inn-keeper, &c. using or mixing any Sugar, Honey, Foreign Grains, Guinea Pepper, *Essentia Binae*, *Coculus Indiae*, or any other unwholesome Ingredients in brewing Beer, or Ale, &c.

Stat. 1 Ann. Sess. 2. c. 3. Sect. 29.

Twenty Shillings a Barrel, to be recover'd and employed, *ut supra*.

Twenty Pounds, to be recover'd and disposed, *ut supra*.

Brewers who conspire to sell their Drink but at certain Prices.

See Tit. **Conspiracies**.

(Cyder-Makers.)

[Two] Makers of Cyder concealing it.

Stat. 7 W. 3. c. 30. Sect. 16.

Makers of Cyder, &c. refusing Gauger to enter and take Account.

Stat. 7 W. 3. c. 30. Sect. 16.

Makers of Cyder delivering any Wash, or Cyder to any Distiller, or Vinegar-Maker, without Notice.

Stat. 8 & 9 W. 3. c. 18. Sect. 9.

Forty Shillings a Hogshead, and so proportionably, to be levied and employed, *ut supra*.

Fifteen Pounds, to be levied and employed, *ut supra*.

Twenty Shillings a Barrel, to be recover'd and employ'd, *ut supra*.

See the late annual Statutes of Excise, That Cyder for Distilling is not chargeable.

(Distillers.)

[One] Persons making or keeping any Wash, Cyder, or other Materials fit for Distillation; and having in his or their Possession or Occupation any Still, or Stills, containing twenty Gallons or upwards, shall be deemed a Common Distiller.

Stat. 8 & 9 W. 3. cap. 18. Sect.

11.

Conviction, one credible Witness.

When any Person is suspected to conceal any Still, Back, or other Vessels,
Vol. II.

Liabie to the several Rates and Duties of Excise, and subject to the Penalties and Forfeitures of this and all other Acts in Force.

Upon an Affidavit declaring the Grounds of such Suspicion, To grant

[E]

a War-

A P P E N D I X.

Offences.

Excise.

Penalties.

(Distillers.)

Vessels, Spirits, Low-Wines, or other Materials for Distillation.

Stat. 10 & 11 W. 3. c. 4. Sect. 7.

a Warrant to search for, and seise such Still, &c. And if not claim'd by the Owner in twenty Days to be sold by the Commissioners of Excise.

[Two] Distillers of Low-Wines, removing them after Account taken by the Gauger, without drawing them off a second Time.

Stat. 1 W. & M. Sess. 1. c. 24. Sect. 3.

Conviction by two Witnesses.

Prosecution in three Months; Notice in a Week, as against Brewers: And so for all other Offences.

Five Shillings a Gallon, to be levied by Distress and Sale.

Distillers, on Request of a Gauger in the Day-time, or in the Night, in Presence of a Constable, refusing to permit Gauger to enter his Dwelling-house.

Stat. 1 W. & M. Sess. 1. c. 24. Sect. 9.

Conviction, *ut supra*.

Double the Value, and Five Pounds and Ten Pounds, and no Need of proving Sale, &c. before Duty paid, &c. to be levied and employ'd, *ut supra*.

To hear and determine Complaints of Over-charges upon Oath, or other due Proof.

Stat. 1 W. & M. Sess. 1. c. 24. Sect. 13.

Distillers setting up, making use of, or altering any Tun, Cask, &c. for the brewing, or making any Wash, Low-Wines, or Spirits for Sale; or making use of any private Warehouse, Cellar, or other Place for laying of any Wash, &c. without first giving Notice at the next Office of Excise: And the Persons in whose Occupation such Tun, &c. shall be found.

Stat. 3 & 4 W. & M. cap. 15. Sect. 1.

Twenty Pounds, to be levied, *ut supra*.

One Moiety to the King, the other to the Informer.

Distillers hiding, concealing, or conveying any Low-Wines, Spirits, or Strong-Waters from the Sight of the Gauger.

Stat.

Five Shillings a Gallon.

To be recovered as by 12 & 13 Car. 2. and employed, *ut supra*.

Five

A P P E N D I X.

Offences.

Excise. (Distillers.)

Penalties.

Stat. 3 & 4 W. & M. cap. 15.
Sect. 2.

Distiller preparing any Wash, or other Material, before he has drawn off all the Liquors made from Corn.

Stat. 7 W. 3. c. 30. Sect. 8.

Distillers refusing Gauger to stay in the Still-house, to see the Stills wrought off, &c.

Stat. 7 W. 3. c. 30. Sect. 12.

Distillers carrying out Spirits, or working Stills, at other Hours than from *Michaelmas* to *Lady-Day*, between five in the Morning and eight at Night; and from *Lady-Day* to *Michaelmas* between three in the Morning and nine at Night.

Stat. 7 W. 3. c. 30. Sect. 15.

Distiller, or any other obstructing the Officer in searching for private Tun, Back, Cask, &c.

Stat. 7 W. 3. c. 30. Sect. 27.

Note; The Duties on *French Brandy*, &c. granted by this Statute, are Repealed by Stat. 6 Geo. 2. c. 17. and other Duties granted, liable to the Laws of *Excise*.

Distiller keeping any private Pipe, Hole, or other Conveyance, &c. from one Vessel to another.

Stat. 10 & 11 W. 3. c. 4. Sect. 3.

Distiller, or other Person obstructing the Officer in searching for private Pipe, &c.

Stat. 10 & 11 W. 3. c. 4. Sect. 5.

Distiller keeping any private Still, or other Vessel, he or other hindring the Officer in searching for the same; and Person in whose Custody such Still or Vessel shall be found.

Stat. 10 & 11 W. 3. c. 4. Sect. 7.

Five Pounds a Barrel, to be levied *ut supra*.

One Moiety to the King, the other to the Informer.

Twenty Pounds, to be levied and employed, *ut supra*.

Ten Pounds to be levied and employed, *ut supra*.

Twenty Pounds, to be recover'd and employ'd *ut supra*.

One hundred Pounds, to be recovered and disposed, *ut supra*.

One hundred Pounds, to be recovered and disposed, *ut supra*.

Two hundred Pounds, to be recovered and disposed, *ut supra*.

A P P E N D I X.

Offences.

Excise.
(Distillers.)

Penalties.

Distillers and others may export *Spirits* drawn from Corn, on Oath before two Commissioners of *Excise* or two Justices; That the same are drawn from Corn in *Great Britain*, without any Mixture, and the Duties entred and paid; and that 'tis to be exported for Merchandize to be spent beyond the Seas.

Stat. 6 Geo. 2. c. 17. Sect. 9.

(Gaugers.)

[Two] *Gaugers* who do not weekly deliver to Brewers a true Copy, under their Hands, of the Return he charges him with.

Stat. 15 Car. 2. c. 11. Sect. 5.

Two Witnesses.

Informations to be brought in three Months, and Notice given in a Week after Information brought.

40s. for every Neglect, to be levied by Distress and Sale; and for Want, to be committed to the County-Gaol for three Months.

One Third to the King, one Third to the Poor, one Third to the Informer.

Gauger taking a Bribe to make a false Return, and the Party who gives the Bribe.

Stat. 15 Car. 2. c. 11. Sect. 16.

Ten Pounds for every Offence, to be levied and employ'd, or the Party punished, *ut supra*.

Gaugers not leaving Notes with Brewers of the last Gauges.

Stat. 1 W. & M. Seff. 1. c. 24. Sect. 12.

Forty Shillings to be levied, *ut supra*.

To adjudge what Satisfaction the *Gaugers* and Officers of the Excise shall make, where any Door or House is broke open, and no private or concealed Back, Still, or other Vessel, *Spirits*, Low-Wines, Wash, or other Materials for Distillation shall be found.

Stat. 10 & 11 W. 3. c. 4. Sect. 8.

Quor. 1.

(Makers of Mead, Vinegar, Metheglin and Sweets.)

[Two] Makers of *Vinegar*, *Mead*, *Metheglin*, or *Sweets* for Sale, concealing them.

Stat. 7 W. 3. c. 30. Sect. 16.

Forty Shillings for every Barrel of *Vinegar* or *Sweets* so hid, and so proportionably. And five Shillings for every Gallon of *Mead* or *Metheglin*.

To be levied, *ut supra*.

One Moiety to the King, the other to the Informer.

MILL I.

Makers

Fifteen

A P P E N D I X

Offences.

Excise.

Penalties.

(Makers of Vinegar, &c.)

Makers of *Vinegar*, &c. refusing
Gauger to enter and take Account.

Stat. 7 W. 3. c. 30. Sect. 17.

Makers of *Vinegar* and *Sweets*,
carrying them out without Notice, at
other Hours than from *Michaelmas*
to *Lady-Day*, between Five in the
Morning and Eight at Night; and
from *Lady-Day* to *Michaelmas* be-
tween Three in the Morning and
Nine at Night.

Stat. 7 W. 3. c. 30. Sect. 18.

Sweet-makers setting up, or using
any private Steeping-Tub, Tun, &c.
without Notice, &c.

Stat. 8 W. 3. c. 21. Sect. 12.

Vinegar-Makers receiving Liquors
in, or delivering Vinegar out at other
Hours than from 29 *September* to
25 *March*, between seven in the
Morning and five in the Evening;
and from 25 *March* to 29 *September*
between five in the Morning and se-
ven in the Evening.

Stat. 10 & 11 W. 3. c. 21. Sect.
12.

Vinegar-Maker, taking in Li-
quors, and mixing them with other
Liquors, before he shews them to the
Gauger.

Stat. 10 & 11 W. 3. c. 21. Sect.
13.

Vinegar-Maker keeping a private
Store-house, Cellar, &c.

Stat. 10 & 11 W. 3. c. 21. Sect.
14.

Sweets made for Sale, for which
the Duty is paid, or charged by
the Excise-Officer, not to be re-
moved from one Place to another,
without Certificate under the Hand
of

Fifteen Pounds to be levied, and
employed, *ut supra*.

Forty Shillings a Barrel, to be re-
covered and employed, *ut supra*.

Fifty Pounds to be recovered, and
disposed, *ut supra*.

Fifty Pounds to be recovered, and
disposed, *ut supra*.

Twenty Pounds, to be recovered
and disposed, *ut supra*.

Fifty Pounds, to be recovered and
disposed, *ut supra*.

Forfeit respectively ten Shillings
per Gallon, together with the Casks
and Vessels containing the same.

To be seized by Officers of *Ex-*
cise.

[E 3]

And

A P P E N D I X.

Offences.

Excise.

Penalties.

Makers of Vinegar, &c.

of the Officer of Excise of the Place from whence such Sweets are so to be sent or removed. The Maker who shall send or remove such Sweets, and Vintner who shall receive or take them without Certificate.

Stat. 6 Geo. 1. c. 21. Sect. 22.

The Judgment is final, and liable to no *Appeal*, or *Certiorari*.

And to be proceeded upon, heard, examined into, adjudged and determined by the same Ways and Means, and in the same Manner and Form as is prescribed to be done upon Seizures of Brandy, &c.

See Tit. *Brandy and Brewers,*
ante.

Note : Justices have no Jurisdiction within the Limits of the Chief Office of Excise in London.

Stat. 6 Geo. 1. c. 21. Sect. 22.

(Inn-keeper or Victualler.)

[Two] *Inn-keepers*, not making true Entries once a Month.

Stat. 12 Car. 2. c. 16. 23 & 24. Sect. 30.

1 W. & M. Seff. 1. c. 24.

One Witness, or Confession.

The Prosecution must be within three Months.

Five Pounds, and Five Pounds more, to be levied, mitigated, and divided in the same Manner as the Penalty on *Brewers*, not making true Entries once a Week.

See *Brewers ante.*

Inn-keeper or *Victualler* refusing Gauger to enter their Cellars, and taste the Drink.

Stat. 7 W. 3. c. 30. Sect. 23.

Five Pounds to be levied by Distress and Sale. One Moiety to the King, the other to the Informer.

(Low-Wines.)

[Two] Low-Wines or Spirits brought by Sea Coastwise from any Port or Place in this Kingdom to another, without a Certificate from the Officer of Excise, that the Duty has been paid.

Stat. 3 Geo. 1. c. 4. Sect. 17.

Forfeited, and may be seized by the Officers of the Customs or Excise.

To be sued for, recover'd determined, and mitigated as Penalties may by any the Laws of Excise.

One Moiety to the King, the other to the Person that shall sue or inform.

(Malt.)

[Two] *Malster* or *Maker of Malt* for Sale, or Exportation, who shall cause, or commit any Barley, or other

Forfeits 2 s. 6 d. for every Bushel of Malt so *steeped, wetted, or watered.*

To

A P P E N D I X.

Offences.

Excise. (Malt.)

Penalties.

ther Corn or Grain making into Malt, to be *Steeped, Wetted, or Watered*, upon the Couch or Floor, or in any other Place, but in Cisterns or Uting Vats duly entred at the Office of Excise of the Division or Place where such Malt shall be wetted.

Stat. 6 Geo. 1. c. 21. Sect. 1.

Malster, or Maker of Malt for Sale, or Exportation, who shall cause or permit any Corn or Grain by him making into Malt, to be worked or made in such Manner, that the same shall acrespire, that is to say, run out, grow, or sprout at that End of the Corn or Grain from which the Blade proceeds.

Stat. 6 Geo. 1. c. 21. Sect. 2.

Excise-Officer discovering such acrespired Corn, or Grain making into Malt, to give Notice thereof in Writing within forty-eight Hours to the Malster, or Maker of such Malt, or his Servant.

Stat. 6 Geo. 1. c. 21. Sect. 3.

Person or Persons shipping, or who shall cause, or procure to be shipp'd, Malt mix'd with unmalted Oats, or Barley.

Stat. 6 Geo. 1. c. 21. Sect. 4.

Exporter of Malt to give forty-eight Hours Notice in Writing to the Port-Officer, of the Day and Hour when Malt intended to be shipped, or put on Board for Exportation, shall begin to be put on Board, (and also of the Name of the Ship, &c. by 12 Geo. 1. c. 4. Sect. 56.)

Stat. 6 Geo. 1. c. 21. Sect. 6.

To be sued for, recover'd, and levied or mitigated, by such Ways and Means, and Methods, as Penalties or Forfeitures may by any *Laws of Excise*.

Sect. 9.

See hereafter Tit. *Malt*.

Forfeits Five Shillings for every Bushel.

To be recovered, levied, or mitigated, *ut supra*.

On Penalty of Forty Shillings for every Neglect of such Notice, *ut supra*.

Forfeits 5 s. for every Bushel, *ut supra*.

Five Shillings for every Bushel of Malt, shipped or put on Board without Notice, *ut supra*.

A P P E N D I X

Offences.

Excise.

Penalties.

(Malt.)

Every Malster or Maker of Malt (other than Compounder for the Duty on Malt) where Corn in any Cistern or Uting Vat is steeping, or steeped, in order to be made into Malt, shall be found so hard, close, and compact, as it could not be, unless it had been forced together, to prevent the rising and swelling thereof.

Stat. 6 Geo. 1. c. 21. Sect. 8.

Two Shillings and Sixpence for every Bushel of such Corn steeping or steeped, which shall be found so hard, close, and compact, *ut supra*.

See the Stat. 12 Geo. 1. c. 4. and the late Statutes for confirming the Excises on Malt, Mum, &c. also Tit. Malt,

[Du. Sess.] Upon Appeals against Original Judgments, given by particular Justices, upon Information for Offences committed contrary to the Acts relating to the Duties upon Malt, the Duties upon Hides, &c. and upon Vellum and Parchment, to rehear, examine, and consider the Truth and Merits of the Facts in Question, and to re-examine the Witnesses upon Oath, and finally determine; and may rectify and amend Defects of Form in Proceedings before the Justices, who gave such Original Judgments.

Stat. 6 Geo. 1. c. 21. Sect. 10.

See Malt, *post*.

(Retailers of Beer, Ale, Cyder, Perry, Metheglin, &c.)

[Two] Retailers of Beer, Ale, Cyder, Perry, Metheglin, or Strong-Waters, not making true Entries once a Month.

Stat. 12 Car. 2. c. 23. Sect. 15. c. 24. Sect. 29.

— 1 W. & M. Sess. 1. c. 24.

One Witness, or Confession.

The Prosecution must be within three Months.

Twenty Shillings, and Twenty Shillings more, to be levied, mitigated, and divided in the same Manner as the Penalty on Brewers, not making true Entries once a Month.

See Brewers *ante*, and the late annual Statutes of Excise.

Retailers of Beer, &c. after Receipt from Brewer, mixing Beer, &c. of extraordinary Strength, with any Small Beer, &c. in a Vessel that holds three Gallons, or more.

Stat. 22 & 23 Car. 2. c. 5. Sect. 11.

Double the Duty of Strong so mix'd; to be levied by Distress and Sale.

One Third to the King; one Third to the Poor; and one Third to the Informer.

Witnesses refusing to appear.

Stat. 22 & 23 Car. 2. cap. 5. Sect. 11.

Forty Shillings to be levied and disposed, *ut supra*.

Increased to Ten Pounds, by 7 & 8 W. 3. c. 30. Sect. 19.

Starch,

A P P E N D I X

Offences.

Excise.

Penalties.

(Starch, &c.)

[One] If any Officer of *Starch-Duties* or the Customs, suspects that Starch is privately *making*, or lodged or concealed in any Place with Intent to defraud the Duty, on Oath before the Commissioners of *Starch-Duties*, or one *Justice of Peace* near such Place, containing the Ground of his Suspicion, a Commissioner or Justice may by Special Warrant, &c. empower the Officer by Day (or by Night, if with a *Constable* or other *Peace-Officer*.)

Stat. 4 Geo. 2. c. 14. Sect. 4.

And if any Person shall obstruct or hinder any *Starch-Officer* from entering such Place, or in seizing and carrying away any *Starch* or Materials so forfeited, with the Boxes or Things wherein 'tis contained. *Ibid*.

[Two] Note; Any Officer of the *Excise* or Customs, may seize any Quantity of *Starch* or *Hair Powder*, with the Horses and Package found in any Ship, Vessel, Cart, Waggon, or other Carriage, which they suspect and believe to be made in some private Workhouse or Place; or clandestinely imported without Payment of the Duty, or exported, and re-landed after Drawback allowed, &c. And after such Seizure the Officer is within ten Days to exhibit an Information before three Commissioners of *Excise*, or two Justices of Peace near the Place of Seizure.

Ibid. Sect. 3.

All *Starch-makers* to use regular *square* or *oblong Boxes* only, for *Boxing* and *Draining* their *Green Starch* before 'tis dried in the *Stove*: And the using of any Sort of Box, Basket, or Vessel for that Purpose.

Stat. 4 Geo. 2. c. 14. Sect. 1.

To enter such suspected Place, and to seize and carry away such *Starch*, and all the Materials for making it, with all the Boxes and Things wherein 'tis contained, and the Offender forfeits also fifty Pounds, unless he can prove that the Duty has been paid.

Forfeits for every Offence fifty Pounds.

And if at the Hearing, the Party on whom found does not prove the Duty to be paid, forfeits all the *Starch* and Powder, with the Horses and Package; and also five Pounds for every Hundred Weight, and so in Proportion: For all which the said Commissioners or Justices may proceed and give Judgment.

Forfeiture ten Pounds.

Note;

A P P E N D I X

Offences.

Excise.

Penalties.

(Starch, &c.)

Note; This and the subsequent Offences and Penalties may be sued for as by the Laws of *Excise*.

Ibid. Sect. 10.

Starch-makers within the Bills of Mortality, to give Notice in Writing to the proper Officer, &c. of their Intentions of putting any *Green Starch* into Boxes, twelve Hours at least *before he begins to box it*: And if living out of those Limits, then twenty-four Hours such Notice.

Ibid.

All Starch-makers shall within *two Hours* * *after* such Notice *begin to box* all their *Green Starch*, and thenceforth continue to box all their *Green Starch* then ready and fit to be boxed, till the whole Making is boxed; so that the Officer may have a Gauge of the whole Making.

Ibid.

Removing, or causing to be removed any Quantity of Starch (after 'tis dried) out of the *Stove*, or other Place used for drying Starch before it has been weighed, and an Account thereof taken by the Officer.

Ibid. Sect. 2.

If any Maker of Hair Powder, Perfumer, Puke-maker, (Barber) or Seller or Dealer in Hair Powder, shall mix or cause, &c. any Powder of Alabaster, Plaister of Paris, Talk, Chalk, Whiting, or other Materials (except Rice made into Starch and Sweet Scents only) with any Starch, or Powder of Starch for the making of Hair Powder, and shall use; sell, or offer to sell the same so mixed.

Ibid. Sect. 5.

Makers of *Hair Powder* shall at the chief Office of *Excise* in *London*,

or

On Forfeiture of Twenty Pounds,

Forfeiture Twenty Pounds.

* Q. If not a Mistake in the Statute?

Forfeits Fifty Pounds.

Forfeits all the said Powder, and also Twenty Pounds.

On Forfeiture of Twenty Pounds.

A P P E N D I X

Offences.

Excise. (Starch, &c.)

Penalties.

or at the Office next the Place where they reside, make true Entries in Writing of their Places of Abode, with every their Workhouses, and other Places, used by any Person whatsoever for making Hair Powder.

Ibid. Sect. 6.

Any Officer for Duties on Starch, may at all Times by Day, on Request, enter any House, Work-house, or other Place whatsoever, belonging to, or made use of by any Person for making of Hair Powder; and any Shop belonging to any Perfumer, Peruke-maker, Barber, or Seller of, or Dealer in Hair Powder, and there examine every Parcel of such Powder, and carry away any Sample or Parcel thereof, paying the Price 'tis then commonly sold for; and if on Examination it appears to be mixed (*ut supra*).

Ibid. Sect. 7.

If any Starch-maker, Powder-maker, or Dealer in Hair-Powder, hath in his Possession any Alabaſter, Plaiſter of Paris, Talk, Chalk, Whiting, Lime, or other Materials whatsoever besides Starch (&c. *supra*) for making, mixing, or counterfeiting of Hair-Powder.

Ibid. Sect. 8.

If any Starch-maker, Maker of Hair Powder, Perfumer, Peruke-maker, Barber, or Seller or Dealer in Hair-Powder, shall on due Request or Demand by any such Officer in the Day-time, refuse, &c. such Officer to enter into all and every the Work-houses, Shops and Places belonging to (such Person) or made use of for making or keeping Hair-Powder, or to examine and take a-

way

He in whose Custody 'tis found, forfeits Twenty Pounds.

Forfeits Ten Pounds.

Forfeit for every Offence Ten Pounds.

A P P E N D I X.

Offences.

Excise. Fairs.

Penalties.

(Starch, &c.)

way any Parcel or Sample thereof on his offering to pay such Price.

Ibid. Sect. 9.

See also the same Statute Sect. 11. against sophisticating or mixing of *Tea*, on Penalty of Ten Pounds for every Pound Weight. And Sect. 12. Importing Cocoa-Shells or Husks without the Nut, liable to Seizure, &c. But both these Offences are only cognizable by Commissioners of *Excise* or *Customs*.

Fairs.

[*Qu. Quest.*] **O**wner of a Fair or Market, not appointing a *Toll-taker* (where Toll is taken) or a *Book-keeper* (where Toll is paid) to sit there from Ten of the Clock in the Forenoon, till Sunset.

Stat. 2 & 3 P. & M. cap. 7. Sect. 2.

The Toll-taker or Book-keeper not delivering, in one Day after, unto the Owner, a Note of *all Horses* sold there.

Stat. 2 & 3 P. & M. cap. 7. Sect. 2.

Every Seller or Exchanger of an Horse, in a Fair or Market, which being unknown to the Toll-taker or Book-keeper, doth not procure one credible Witness, that is well known unto him, to vouch the Sale of the same Horse; and every false Voucher; and the Toll-taker or Book-keeper who suffers such Sale or Exchange to pass.

Stat. 31 *Eliz.* c. 12. Sect. 2.

Forty Shillings for every Default, to be divided between the King and Prosecutor.

Forty Shillings to be divided, *ut supra.*

Five Pounds, to be divided between the Queen and the Prosecutor; and the Sale void.

False

A P P E N D I X

False Tokens.

Offences.

[Two] **T**O convene by Process, or otherwise, Persons suspected to have gotten Money or other Thing by False Tokens, or counterfeit Letter.

Stat. 33 H. 8. c. 1. Sect. 3.

Quor. 1.

[Qu. Sell.] Persons obtaining any Money, or other Thing, by Colour of any False Token, or counterfeit Letters.

Stat. 33 H. 8. c. 1. Sect. 2.

Confession or Witnesses.

Penalties.

To commit or bail till Assizes or Sessions, or otherwise to order them at their Discretion.

To suffer such Punishment as the Court shall adjudge, Death only excepted.

Fellers of Oak-Trees.

[Qu. Sell.] **F**ellers of Oak-Trees apt for Barking, where Bark is worth two Shillings a Cart Load (except Timber for Repair of Houses, Ships and Mills) but only between the first of April and the last of June.

Stat. 1 Jac. 1. c. 22. Sect. 20.

Quor. 1.

Forfeit the Trees, or the double Value of them, to be divided, one Third to the King, one to the Prosecutor, and the other to the City, Borough, Town, or Lord of the Liberty, where the Offence is committed.

Felons. See Tit. Transportation.

Felontes.

A P P E N D I X

Felonies by late Statutes. See Tit. Mint, Turnpikes, Stolen Goods, Riots, &c.

Offences.

Forging or counterfeiting Stamps, or using, uttering, or vending Stamp-Paper, knowing it counterfeit.

See the Stat. 5 *W. & M.* c. 21. 9 *W.* 3. c. 25. 9 *Ann.* c. 23. Sect. 41. 10 *Ann.* c. 19, 20.

So causing or procuring such counterfeiting, using, &c. Stat. 6 *Geo.* 1. c. 21. Sect. 58.

So forging or counterfeiting a Receipt for the Duty on Indentures of Apprenticeship.

Stat. 8 *Ann.* c. 9.

So is the procuring a counterfeit Stamp to be made.

Stat. 6 *Geo.* 1. c. 9. Sect.

[One] If any Person after the first of *March* 1721. shall forge or counterfeit; or procure to be forged or counterfeited; or knowingly and wilfully act or assist in the Forging or Counterfeiting any Letter of Attorney or other Authority or Instrument to transfer, assign, sell or convey any Share or Shares of any Proprietor of the Shares of and in the Capital Stock and Funds of any *Body or Bodies Politick or Corporate* established by Act of Parliament; or shall receive any Annuity or Dividend attending the said Shares, or Counterfeit the Name of any Proprietor of any such Share, &c. or falsely and deceitfully personate any true Proprietor of such Shares, &c. or who shall receive or endeavour to receive the Money of such Proprietor, as if he was the true Proprietor.

Stat. 8 *Geo.* 1. c. 22. Sect. 1.

1

Forging

Penalties.

Clergy excluded.

Clergy excluded.

Clergy excluded.

Clergy excluded.

A P P E N D I X

Offences. Felonies by late Statutes. Penalties.

Forging or counterfeiting Exchequer Bills, or any Indorsement thereon, or knowingly tendering the same in Payment, or to be exchanged for ready Money, &c.

Stat. 9 Geo. 1. cap. 3. Sect. 19.
(and see Stat. 2 Geo. 2. cap. 1. Sect. 32.)

Altering or counterfeiting Army Debentures, or fraudulently issuing the same.

Stat. 9 Geo. 1. c. 5. Sect. 36.

Forging or counterfeiting Orders for Debentures, &c. or procuring thereof, or assisting therein, or of Assignments of such Orders, or of Annuities payable thereon, or of Receipts or Discharges on such Orders, or of Letters of Attorney for assigning the same, or falsely receiving Money due thereon, or counterfeiting the Names of the Proprietors of such Orders, &c. or personating any Proprietor.

Stat. 9 Geo. 1. c. 12. Sect. 4.

John Plunkett and his Aiders, Rescuers, &c. if he breaks Prison or Escapes.

Stat. 9 Geo. 1. c. 15. Sect. 2.

George Kelley, also Johnson, &c. and the like.

Stat. 9 Geo. 1. c. 16. Sect. 2.

Francis, late Bishop of Rochester, Persons concealing him, or aiding him to return, or holding Intelligence or Correspondence with him, or any employed by him.

Stat. 9 Geo. 1. cap. 17. Sect. 2 & 3.

Making Holes in a Ship, stealing its Pump, or doing any thing tending to sink it, &c.

Stat.

Clergy excluded.

Clergy excluded.

Clergy excluded.

Note: The Penalties of the said Acts 9 Geo. 1. c. 5. and c. 12. are more fully enforced by c. 19. Sect. 11. And as to Exchequer Bills, by Stat. 4 Geo. 2. c. 1. Sect. 42. and all the subsequent annual Statutes of Excise.

Clergy excluded.

Clergy excluded.

Clergy excluded.

Clergy excluded.

A P P E N D I X.

Offences. Felonies by late Statutes. Penalties.

Stat. 12 Ann. Sect. 2. cap. 18.
Sect. 5.

By the Act for Relief of Insolvent Debtors, a Prisoner forswearing himself is guilty of Felony, without Benefit of Clergy.

Stat. 2 Geo. 2. c. 26. Sect. 18.

And Note; The Act 2 Geo. 2. for more effectual Preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Money; whereby Forging or Counterfeiting (or procuring or assisting therein) or knowingly Publishing any Deed, Will, Bond, Writing Obligatory, Bill of Exchange, or Promissory Note for Money, or Indorsement, or Assignment of such Bill or Note; or any Acquittance, or Receipt for Money or Goods, with Intent to defraud.

Ibid. Sect. 1.

Persons found guilty of Perjury or Subornation, may be committed for Correction, (or Transportation) not exceeding seven Years; and if they escape or return within that Time.

Ibid. Sect. 2.

Stealing or taking by Robbery any Exchequer Orders, or Tallies; or Orders in the Annuities, or any Parliamentary Funds, or any Exchequer Bills, Bank Notes, *South-Sea* or *East-India* Bonds; Dividend Warrants of any Company, Bills of Exchange, Navy Bills or Debentures, Goldsmiths Notes for Money, or other Bonds; or Warrants, Bills or Promissory Notes for Money, though only a *Chose* in Action.

Ibid. Sect. 3.

Felony, and Clergy excluded.

Felony *sans* Clergy, to be tried in the Place where he escaped; or was apprehended.

Felony with or without Clergy, according to the Value.

A P P E N D I X

Offences. Felonies by late Statutes. Penalties.

See also the several late Statutes for raising Monies by way of *Lottery*, whereby the Forging of any Order, Assignment, Letter of Attorney, &c. receiving Money thereon, or personating any Proprietor, is Felony without Clergy.

See also Tit. *Bankrupts*.

But no Attainder of these Offences work Corruption of Blood; Loss of Dower, and Disinheritance of Heirs. And the Act 2 Geo. 2. to continue five Years, and to the End of the next Session. *Ibid.* Sect. 5 & 6.

See also Tit. *Clothiers, Deer-Scalers, Mint, Stamp-Duties, Stolen Goods, Turnpikes, &c.*

See also Tit. *Examination and Felony* in the Second Part of this Book, intituled *Cases in Law*, where you will see what is *Felony* by *Common Law*, and what by *Statute*; and the following late Statutes; *viz.*

Stealing *Linen* from *Whitening* or *Blanching* Grounds, &c. to the Value of ten Shillings, or buying or receiving it *knowing 'tis stolen*.

Stat. 4 Geo. 2. c. 16.

Stealing; or ripping; cutting or breaking, with Intent to steal, any Lead or Iron Bar, or Iron Gate, Rail or Palisado, fixed to any Dwelling-house, Out-house, Coach-house, Stable or Building, or aiding, abetting or assisting therein.

Stat. 4 Geo. 2. c. 32. Sect. 1.

Maliciously breaking, destroying, &c. Banks of Rivers, or the Sea, whereby Lands are overflowed, &c. or maliciously cutting of Hop-binds.

Stat. 6 Geo. 2. c. 37.

Notorious Thieves and Spoil-Takers in *Northumberland* and *Cumberland*. And certain Powers in the Acts of 18 Car. 2. and 29, 30 Car. 2. continued.

Ibid. Sect. 9, 10.

A *Bankrupt* so declared, not surrendering in forty-two Days after Notice, &c. or not signing his Surrender.

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der

Felony *sans* Clergy. But Transportation may be; and Refusal or Return *Death*.

Felony and Transportation; but Clergy not excluded.

Felony *sans* Clergy.

Clergy ousted; but Transportation admitted.

If convicted of any of these on Indictment or Information, 'tis *Felony*, and to suffer as such without Clergy,

and

[F]

A P P E N D I X

Offences. Felonies by late Statutes. Penalties.

der and submit to be examined, and in all Things conform to the Statutes against *Bankrupts*, and discover all his Effects and Estate, and how, to whom, when and on what Consideration he has (disposed) transferred any his Goods, Wares, Monies, Estate and Effects, and all Books, Papers and Writings relating thereto, whereof he had been possessed, or wherein interested, or which any other had or hath in Trust for him or to his Use, before the Commission; or whereof he might have Profit (except sold *Bona fide*, or disposed in Trade before, and Monies in the ordinary Expence of his Family) and deliver up the same to the Commissioners, with all Books, Papers, and Writings, relating, then in his Possession or Power; (necessary Apparel of himself, Wife and Children excepted) or removing, concealing or imbeziling Goods or Estate to 20 l. Value, or Books, Papers, &c. with Intent to defraud Creditors.

Stat. 5 Geo. 2. c. 30. Sect. 10. to continue for three Years from 24 June 1732. and to the End of the next Session.

and his Goods and Estate to be divided among such Creditors as seek Relief under the Commission.

Fences. See Dythard.

Fire.

[Two] **C**Hurch-wardens of every Parish, within the *Weekly Bills of Mortality*, not making, placing, fixing, and continuing Stop-blocks or Fire-cocks on Mains and Pipes, and not having and keeping in Repair a large Engine, Hand-Engine, and Leather Pipe, and Socket.

Stat. 6 Ann. c. 31. Sect. 1.

[Church-

Ten Pounds, to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Poor of the Parish.

For-

A P P E N D I X

Offences.

Church-warden, where Fire happens, not paying to the Turn-Cock, whose Water shall be found on, or first come into the Main or Pipe.

Stat. 6 Ann. c. 31. Sect. 1.

Church-warden, where Fire happens, not paying to the first Engine-keeper, who brings in a Parish-Engine Thirty Shillings, to the second Twenty Shillings, and to the third Ten Shillings.

Stat. 6 Ann. c. 31. Sect. 1.

Menial, or other Servants, firing any Dwelling-house, or Out-house, through Negligence or Carelessness.

Stat. 6 Ann. c. 31. Sect. 3.

The Owner, or Head-builder, or Workman, who shall build any new House without a Party-Wall between House and House, wholly of Brick and Stone; and two Bricks thick in the Cellar, and Ground-Stories; and if it be not thirteen Inches thick upwards, and eighteen Inches above the Roof: And if any Mundillion, or Cornice, of Timber, or Wood, under the Eaves, shall be made, or suffer'd in any such new House and Houses; and if all Front and Rear Walls of every House and Houses, shall not be built of Brick or Stone, to be carried a Foot and Half above the Garret and Floor, and cop'd with Stone or Brick.

Stat. 6 Ann. c. 31. Sect. 4. See the Stat. 11 Geo. 1. c. 28. Tit. Buildings.

Fire.

Forfeits Ten Shillings to be levied by Distress and Sale.

The Thirty Shillings, Twenty Shillings, and Ten Shillings, to be levied by Distress and Sale.

100 Pounds, to be paid to the Church-wardens, to be given to Sufferers by Fire; in Case of Default, or Refusal, to be committed to the Work-house, or House of Correction to hard Labour, as the Justices shall think fit.

Fifty Pounds a piece, to be levied by Distress and Sale; and for Want of Distress, to be imprisoned till Payment.

One Moiety to the Informer, the other to the Poor.

Actions against Persons where the Fire accidentally begins, taken away for three Years.

Penalties.

Fire-works. See Squibs.

A P P E N D I X.

Fish.

Offences.

[One] **E** Rectors of Wear or Wears along the Seashore, or in any Haven or Creek, &c. wilfully destroying the Spawn or Fry of Fish.

Stat. 3 Jac. 1. c. 12. Sect. 2.

Fishers in any Haven or Creek, or in five Miles of them, with any Net of a less Mesh than three Inches and an Half between Knot and Knot (except for the taking Smoulds in Norfolk only) or with a Canvas Net, or other Engine, whereby the Spawn or Fry of Fish may be destroyed.

Stat. 3 Jac. 1. c. 12. Sect. 2.

Persons taking Fish by any Device, in any several Water, or River, or assisting therein, without the Owner's Consent.

Stat. 22 & 23 Car. 2. cap. 25. Sect. 7.

Confession, or one Witness.

Prosecution to be in a Month.

Persons keeping any Net, Angle, Leap, Piche, or other Engine for taking Fish, other than Makers and Sellers of them, and Owners or Occupiers of Rivers or Fisheries.

Stat. 4 & 5 W. & M. cap. 23. Sect. 5.

Inferior Tradesmen, Apprentices and other dissolute Persons fishing or fowling, unless in Company with the Master of such Apprentice qualified by Law.

Ten Pounds, to be levied by Distress, &c. and divided between the Poor and the Prosecutor.

The Net or Engine to be forfeited, and Ten Shillings, to be levied, and divided, *ut supra*.

Such Recompence, and in such Time as the Justice shall appoint, not exceeding treble Damages; such Sum to the Overseers of the Poor as he shall appoint, not exceeding Ten Shillings.

In Default, to be levied by Distress and Sale; and for Want of Distress, to be committed, not exceeding a Month; unless gives Bond with one or more Sureties to the Party injured, not exceeding ten Pounds, not to offend again.

Such Engines may be seized, and kept by the Owners and Occupiers of such Rivers and Fisheries, or such as they shall authorize.

Subject to the same Penalties as Persons are where Game is found; and to be levied and employ'd in the same Manner.

Stat.

Sec

A P P E N D I X

Offences.

Fishes.

Penalties.

Stat. 4 & 5 W. & M. cap. 23. Sect. 10.

See Tit. Deer, &c. in Tit. Game.

To grant his Warrant to search the Houses of Persons prohibited, and suspected to have Engines for taking Fish, and to seize or destroy the same.

Stat. 4 & 5 W. & M. c. 23. Sect. 5.

By Warrant to order Nets of less Mesh or Moke than three Inches and an Half, or of false or double Bottom, Cod or Pouch, forfeited, to be publicly burnt.

Stat. 1 Geo. 1. c. 18. Sect. 6.

Selling, offering, or exposing to Sale, or exchanging for any other Goods, *Bret* or *Turbet*, under sixteen Inches long, *Brill*, or *Pearl* fourteen Inches; *Codlin* twelve; *Whiting* six; *Bass* and *Mullet* twelve; *Sole*, *Place*, or *Dab* eight; and *Flounder* seven, from the Eyes to the utmost Extent of the Tail.

Stat. 1 Geo. 1. c. 18. Sect. 7.

Forfeit the Fish to the Poor, where, &c. and Twenty Shillings by Distress.

One Moiety to the Informer, the other to the Poor, where, &c. In Default of Payment, or Want of Distress, to be sent to the House of Correction to be whipt, and put to hard Labour, not longer than fourteen Days, nor less than six.

Note; Persons imprisoned by this Act not liable to pay the Penalty. Sect. 8.

No Prosecution for any Offence against the Stat. 1 Geo. 1. c. 18. unless commenced in one Month after committed. Sect. 9.

Laying or drawing any Kind of Nets, Engines, or Devices, in the Rivers *Severn*, *Dee*, *Wye*, *Thame*, *Ware*, *Tees*, *Ribble*, *Mersey*, *Dun*, *Air*, *Ouze*, *Swaile*, *Caldor*, *Ubarf*, *Eure*, *Darwent*, and *Trent*, whereby the Spawn, or small Fry of *Salmon*, or any *Kepper* or *Shedder-Salmons*, or *Salmons* under eighteen Inches long, from the Eye to the Middle of the Tail, shall be taken, killed, or destroyed; or making, erecting, or setting any Bank, Dam, or Hedge, or Stank, or Nets, cross the said Rivers, to take the *Salmon*, or to hinder them from going up to spawn, or killing *Salmon* in the said Rivers, between the last of July and

12 No.

Five Pounds for every Offence, besides the Fish taken, and all Nets, &c.

One Moiety of the said Sum to the Informer, the other to the Poor, where, &c. to be levied by Distress and Sale, &c.

And for Want of Distress, Commitment to the House of Correction to hard Labour, not exceeding three, nor less than one Month. And to suffer such other corporal Punishment, as the Justice shall think fit.

Nets, &c. to be seized and cut to Pieces in the Presence of the Justice.

To cause Banks, Dams, &c. to be demolished at the Charge of Offenders.

[F 3]

A P P E N D I X

Offences.

Fifth.

Penalties.

12 November; or fishing for Salmon with unlawful Nets, after the 12th of November.

View, Confession, or one or more Witnesses.

Stat. 1 Geo. 1. c. 18. Sect. 14.

No Salmon to be sent to London to Fishmongers or their Agents, that shall weigh less than six Pounds each Fish. And every Person buying, selling, or sending Salmon under six Pounds Weight.

View, Confession, or one or more Witnesses.

Stat. 1 Geo. 1. c. 18. Sect. 15.

Note: An Appeal lies upon any Branch of the Statute. 1 Geo. 1. c. 18. to Quarter-Sessions, Sect. 17.

Masters, or Commanders of Smacks, Hoys, Boats, Ships, or other Vessels, importing Fish taken by Foreigners or Strangers, except Protestants inhabiting in this Kingdom; to be summoned, and if convicted. Two Witnesses.

Stat. 1 Geo. 1. c. 18. Sect. 2.

None to use Nets for Fishing at Sea upon the Coast of England, (except for Herrings, Pilchards, Sprats, or *Lavridnian*) with a Mesh or Moke less than three Inches and Half, from Knot to Knot, or with any false or double Bottom, Cod, or Pouch, or shall put Nets of legal Size or Mesh, upon or behind one another.

Stat. 1 Geo. 1. c. 18. Sect. 4.

[Two] To issue out Warrants upon their own Knowledge, or upon Information; of unlawful Fishing in the River Severn, to search all suspected Places for unlawful Instruments, and to seize them, and bring them to the Quarter-Sessions to be destroyed.

Stat. 30 Car. 2. c. 9. Sect. 3.

fenders, and such Charges to be levied, *ut supra*.

Five Pounds for every Offence, besides the Fish, between Informer and Poor, to be levied, *ut supra*.

And for Want of Distress, Commitment to the House of Correction to hard Labour for three Months, unless paid in the mean Time.

Forfeits for every Offence twenty Pounds by Distress, and for Want thereof, twelve Months Imprisonment.

Not to extend to the Importing, buying, or selling any Eels, Stock-fish, Anchovies, Sturgeon, Botarge, or Cavear. Sect. 3.

Or Lobsters and Turbets. Sect. 10.

Liable to the same Penalties as Masters of Vessels importing Fish contrary to this Act, and the Nets forfeited.

[Qu.]

A P P E N D I X

Offences.

Fish.

Penalties.

[An. Sess.] Using any Net or Engine to destroy the Spawn or Fry of Fish, or taking Salmon or Trouts out of Season, or Pikes shorter than ten Inches, Salmon than sixteen, Trouts than eight, and Barbels than twelve, or using any Engine to take Fish, other than Angle or Net, or a Trammel of two Inches and a Half Mesh.

Stat. 1 Eliz. c. 17. Sect. 5.

Unlawfully breaking down Fish-Ponds, or Fishing there without the Owners Licence.

Stat. 5 Eliz. c. 21. Sect. 7.

Fishing in the River *Severn*, with, or making use of any Engine or Device, whereby any Salmon, Trout, or Barbel, under the Length appointed by 1 Eliz. c. 17. shall be taken or kill'd, or shall fish with any Net, for Salmon, Peale, Pike, Carp, Trout, Barbel, Chub, or Grayling, the Mesh whereof shall be under two Inches and an Half square from Knot to Knot, or above twenty Yards in Length, and two in Breadth; or above fifty Yards in Length, and six in Breadth in the *Wing* of the Net, from *Ripple-Lock* Stake to *Gloucester* Bridge; or above sixty Yards in Length below *Gloucester* Bridge, and six Yards in Breadth in the *Wing*, or shall fish with more than one of those Nets at once, or shall use any Device for taking the Fry of Eels.

Stat. 30 Car. 2. c. 9. Sect. 1.

Every Person who, between the first of *March* and last of *May*, shall do

Twenty Shillings a Fish, and the Net or Engine.

Three Months Imprisonment, and to be bound to the Good Behaviour for seven Years.

Treble Damages to the Party grieved.

Upon the Offender's Acknowledgment in Sessions, and Satisfaction to the Party, the Behaviour may be released.

Five Pounds for every Offence, and the Fish so taken, and the Instruments.

One Moiety to the Poor, the other to the Prosecutor.

Forty Shillings, and the Instrument, to be divided, *ut supra*.

A P P E N D I X

Offences.

Fish.

Penalties.

do any Act whereby the Spawn of Fish shall be destroyed.

Stat. 30 Car. 2. c. 9. Sect. 2.

Flesh.

[Qu. Sect.] **P**ersons preaching, or otherwise avouching or notifying, That any eating of Flesh, or forbearing of Flesh, is necessary for the Service of God, otherwise than as other political Laws be.

Stat. 5 Eliz. c. 5. Sect. 40.

To be punished as Spreaders of false News.

Forcible Entry and Detainer.

[One] **E**ntering into Lands and Tenements by Force, and detaining them by Force.

Stat. 5 R. 2. c. 7.

—15 R. 2. c. 2. Sect. 2.

—8 H. 6. c. 9. Sect. 1.

Imprisonment, and Ransom at the King's Pleasure.

Note; The Statute of 8 H. 6. c. 9. shall indamage none where peaceable Possession hath been enjoyed three Years.

Stat. 31 Eliz. c. 11.

Upon View.

Upon Complaint of a *Forcible Entry* or *Detainer*, by Precept to command the *Sheriff* to return a Jury to enquire of the Force committed, and to cause the Tenements to be seised.

Stat. 8 H. 6. c. 9. Sect. 4.

Jurors returned to enquire of a *Forcible Entry*, making Default.

Stat. 8 Hen. 6. c. 9. Sect. 4.

Issues, twenty Shillings upon the first Precept, forty Shillings upon the second, five Pounds upon the third, and every Default after, double.

To give Restitution upon *Force* or *Detainer* to Tenants for Years, by *E- legit*, Statute Merchant, or Staple; and Copyholders, as well as those who claim Freehold or Inheritance: And may fine or commit.

Stat. 21 Jac. 1. c. 15. By Enquiry.

[Art,

A P P E N D I X.

Offences. **Forcible Entry and Detainer.** Penalties.

[Qu. Ess.] The Sheriff or Bailiff neglecting his Duty in the Case of Forcible Entry or Detainer,
Stat. 8 H. 6. c. 9. Sect. 5.

Twenty Pounds, to be divided between the King and the Prosecutor.

Forestallers and Ingrossers.

[Qu. Ess.] Ingrossers of Bark, to the Intent to sell the same again.

Stat. 1 Jac. 1. c. 22. Sect. 19.

Forfeit the Bark, or the Value of it, to be divided, one Third to the King, the other to the Prosecutor, and the other to the City, Borough, Town, or Lord of the Liberty where the Offence is committed.

Forestallers, Regrators, Ingrossers of Merchandizes, Victuals, &c.

Stat. 5 & 6 Ed. 6. c. 14. Sect. 4, 5.

By Inquisition, Presentment, Bill, or Information, or two Witnesses.

Extends not to buying Barley or Oats to make Malt or Oatmeal, nor Provision of any Town Corporate, Ship, &c. or any Fishmonger, Innholder, Victualler, Butcher, Poulterer, or People living within a Mile of the Sea, which are to buy or sell Fish, they retailing the same at reasonable Prices; or to any Badger, Kidder, or Carrier, licensed by three Justices, and selling in one Month; nor to taking any Thing reserved on Lease, so as all be done without Fraud and Forestalling; nor to restrain Transportation of Corn, or Cattle, allowed by three Justices; nor to Wines, Oil, &c. or other Victuals brought from beyond Sea, Fish and Salt only excepted.

Stat. 13 Eliz. c. 25. Sect. 20.

First Offence, the Value of the Goods and two Months Imprisonment, without Bail.

Second Offence, double Value, and six Months Imprisonment, without Bail.

Third Offence, all his Goods, to be set in the Pillory, and Imprisonment during the King's Pleasure.

One Moiety of the Forfeitures to the King, the other to the Prosecutor, by *Fieri fac'* or *Capias*.

If the Prosecution be at the King's Suit only, the whole to the King.

Not to be punish'd twice for the same Offence.

Note; A *Forestaller* is one that shall buy or contract for any Merchandize, Victual, or other Thing whatsoever, in the Way, before it shall be brought by Land or by Water, unto any City, Port, Road, Fair, or Market,

A P P E N D I X

Offences. Foretallers and Ingrossers. Penalties.

ket, where it shall be sold, or shall cause the same to be so bought, or shall dissuade People from bringing any such Commodity to any such Place, or being brought, shall persuade them to inhanse the Price thereof.

Stat. 5 & 6 Ed. 6. c. 14.

A *Regrator* is one that buys any Grain, Wine, Fish, Butter, Cheese, Candles, Tallow, Sheep, Lambs, Calves, Swine, Pigs, Geese, Capons, Hens, Chickens, Pigeons, Conies, or other dead Victual whatsoever, brought to a Fair or Market to be sold there, and does sell the same in the same Fair or Market, or in some other Fair or Market within four Miles.

Ibid.

An *Ingrosser* is he that gets into his Hands by Buying, Contract, or Promise (other than by Demise, Grant, or Lease of Land or Tithes) any Corn growing in the Fields, or other Grain, Butter, Cheese, Fish, or other dead Victual whatsoever, with Intent to sell it again. *Ibid.*

Fruiterers. See **Conspiracies.**

Fruit-Trees. See **Orchards.**

Fuel.

[One] **O**ffenders against the Statute for the Assise of Fuel, if they be not able to satisfy the Forfeitures.

Stat. 7 Ed. 6. c. 7. Sect. 6. 43
Eliz. c. 14.

One Witness, or otherwise.

Prosecution to be within a Year.

Where *Billet* is exposed to Sale, and not assised and marked, or cut, as is directed by

Stat. 9 Ann. c. 15. Sect. 2. which see.

This extends not to Owners or Proprietors of Trees, who make Billet for their own private Use only.

To be set upon the Pillory in the next Market-Town, on the Market-Day at eleven a Clock, having a Billet or Faggot bound to some Part of his Body.

The Justice, upon Information, is to call before him six good lawful Men of the Parish, &c. where the said Billet is exposed to Sale, and swear them to enquire into the Truth; and if they find the Billet not truly assised and marked, the said Justice shall deliver the same to the Overseer of the Poor, to be given to the Poor there.

Fullers-Earth and Fullers-Clay. See **Brandy in Tit. Excise.**

Furzes and Fern. See **Tit. Heath.**

Games

Games not Lawful.

Offences.

[One] **T**O enter into any Common House or Place, where Playing at Dice, Tables, Cards, Bowls, Coits, Cates, Logats, Shove-groat, Tennis, casting the Stone, Foot-ball, or other unlawful Game is suspected to be used.

Stat. 33 H. 8. c. 9. Sect. 14.

Penalties.

The Keepers of Houses or Places where unlawful Games are used.

Stat. 33 H. 8. c. 9. Sect. 14.

To be taken and imprisoned, till they find Sureties by Recognizance, no longer to keep such House or Place.

Artificers, Husbandmen, Labourers, Apprentices at Husbandry, Journey-men, or Servants of Artificers, Mariners, Fishermen, or Serving-men, playing at any unlawful Game.

Stat. 33 H. 8. c. 9. Sect. 16.

To be committed without Bail, till he be bound in such Sum, as the Justice shall think reasonable, not to offend again.

And one Justice on View, or Oath of two Witnesses, may commit the Offender till he enter into a Recognizance, with Sureties or without, at the Justice's Discretion, that he or they shall not thenceforth play at or use such unlawful Games.

Stat. 2 Geo. 2. c. 28. Sect. 9.

[Two] To cause to come, or be brought before them such Persons whom they shall have just Cause to suspect to have no visible Estate, Possession or Calling, to maintain themselves by; but do for the most part support themselves by Gaming; and if they appear to be such.

Stat. 9 Ann. c. 14. Sect. 6.

To be bound to the Good Behaviour for twelve Months: And if they cannot find Sureties, to be committed to the Common Gaol, till they find Sureties.

Note: If such Person so bound to the Good Behaviour, shall afterwards at any one Time play or bet for more than twenty Shillings, it is a Breach of his Good Behaviour, and the Recognizance becomes forfeited. Sect. 7.

[Qu. Sect.] Keeping a House of unlawful Games.

Stat. 33 H. 8. c. 9. Sect. 11.

Forty Shillings a Day.

Re-

Six

A P P E N D I X

Offences.

Games not Lawful.

Penalties.

Resorting to, or playing in an House of unlawful Games.

Stat. 33 H. 8. c. 2. Sect. 12.

Six Shillings and Eight-pence a Time.

Mayor, Sheriffs, Constables, and Head-Officers, not searching Places suspected for unlawful Gaming.

Stat. 33 H. 8. c. 9. Sect. 15.

Forty Shillings.

Artificers, Apprentices, &c. *ut supra*, using unlawful Games out of Christmas Time.

Stat. 33 H. 8. c. 9. Sect. 16.

Twenty Shillings.

The Statute 33 H. 8. c. 9. against unlawful Games, to be proclaimed four Times a Year in the Market, and every Quarter-Sessions in open Sessions.

Game.

(Conies.)

[One] Persons entering wrongfully into Ground kept for breeding Conies, tho not inclosed; and chafing, taking or killing any against the Owner's Will.

Stat. 22 & 23 Car. 2. cap. 25. Sect. 4.

Confession or one Witness.

Prosecution to be in a Month.

Treble Damages and Costs, and three Months Imprisonment, and till they find Sureties for their Good Behaviour.

Persons killing or taking, in the Night, Conies upon the Borders of Warrens, or on other Grounds, used for keeping Conies, except Owners. They who use Snares, Hair-pipes, and other Engines.

Stat. 22 & 23 Car. 2. cap. 25. Sect. 5.

Conviction, *ut supra*.

Such Recompence in such Time as the Justice shall appoint, and pay such Sum to the Overseers of the Poor, as he shall think fit, not exceeding ten Shillings; and in Default to be committed to the House of Correction.

(Deer, Hare, Partridge and Pheasant.)

[One] Killers or Takers of Pheasants, or Partridges in the Night.

Stat.

Being convicted, he is to take Bond (for two Years only) with good

A P P E N D I X

Offences.

Stat. 23 *Eliz. c. 10.* Sect. 2.

Persons where *Game* is found, not giving a good Account how they came by it, or not producing the Party of whom they bought it, in some convenient Time, or some credible Person, to prove such Sale upon Oath.

Stat. 4 & 5 *W. & M. cap. 23.* Sect. 3.

Higlers, Chapmen, Carriers, Innkeepers, Victuallers, or Alehousekeepers, having in his or their Custody or Possession any *Hare, Pheasant, Partridge, Moore, Heath Game or Grouse*; or shall buy, sell, or offer to sell any *Hare, &c.* except Carriers who carry for Persons qualified.

Stat. 5 *Ann. c. 14.* Sect. 2.

View, or one Witness.

Conviction to be in three Months.

Persons offending against 5 *Ann. c. 14.* having *Game* in Custody, and bringing a *Certiorari* to remove the Conviction.

Stat. 5 *Ann. c. 14.* Sect. 2.

Note; The Stat. 5 *Ann. c. 14.* is made perpetual by 9 *Ann. c. 25.*

Game.

good Sureties, not to offend in the like Kind.

To examine and bind over all Offenders against the said Statute.

Penalties.

To grant a Warrant to search the Houses of suspected Persons for *Hare, Partridge, and other Game.*

Stat. 4 & 5 *W. & M. c. 23.* Sect. 3.

Not under five Shillings, nor exceeding twenty Shillings for every *Hare, Partridge or other Game*, to be levied by Distress and Sale; and in Default, to be committed to the House of Correction, not exceeding a Month, nor less than ten Days, to be whipp'd, and kept to hard Labour.

One Moiety of the Penalties to the Informer, the other to the Poor.

Five Pounds for every *Hare, &c.* to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Poor.

For Want of Distress, to be committed to the House of Correction for three Months, without Bail or Mainprize, for the first Offence, and four Months for every other Offence.

To enter into a Recognizance for fifty Pounds, with Sureties, conditioned to pay the Prosecutor full Costs, to be ascertained upon Oath within fourteen Days after Conviction or *Procedendo* granted.

In Default, Justices may proceed to execute such Conviction.

If any *Hare, &c.* shall be found in the Shop, House or Possession of any Person not qualified in his own Right to kill *Game*, or intitled thereto under some Person qualified; the same shall be adjudged exposing the same to Sale.

Stat. 9 *Ann. c. 25.* Sect. 2.

Persons

A P P E N D I X.

Offences.

Game.

Penalties.

Persons taking, killing, or destroying *Hare*, &c. in the Night-time.

Incur the same Forfeitures, Pains and Penalties; and to be recover'd, as by Stat. 5 *Ann. c. 14.*

Stat. 9 *Ann. c. 25. Sect. 3.*

Soldiers killing *Hares*, &c. or other Game, *Vide Abstract of the Mutiny and Desertion Bill*, at the End of this Book.

[Two] Killers or Takers of any *Pheasant*, *Partridge*, *Pigeon*, *Duck*, *Heron*, *Hare*, or other Game; and Takers or Destroyers of Eggs of *Pheasants*, *Partridges*, or *Swans*.

Stat. 1 *Jac. 1. c. 27. Sect. 2.*
Confession or two Witnesses.

To be committed without Bail, unless they pay to the Poor where the Offence was committed, or they apprehended, twenty Shillings for every Fowl, *Hare* or Egg.

After they have been committed a Month, to be bound with two sufficient Sureties in twenty Pounds a-piece, not to offend again.

Sellers, or Buyers to sell again of *Deer*, *Hare*, *Pheasant*, or *Partridge*, (except reared up or brought from beyond Sea.)

Stat. 1 *Jac. 1. c. 27. Sect. 4.*

Deer forty Shillings, *Hare* ten Shillings, *Pheasant* twenty Shillings, *Partridge* ten Shillings, between the Poor and the Prosecutor.

Extends not to one licensed in open Sessions to kill Hawks-Meat; but then he must be bound in a Recognizance of twenty Pounds not to kill any of the same Game, nor to shoot within 200 Yards of an *Heronry*, within 100 Paces of a *Pigeon-house*, or in a *Park*, *Forest*, or *Chase*, whereof his Master is not Owner.

Hawkers at, or Destroyers of *Pheasants* or *Partridges*, between the first of July and the last of August.

Stat. 7 *Jac. 1. c. 11. Sect. 2.*

Confession, or two Witnesses.

Prosecution in six Months.

One Month's Imprisonment, without Bail, unless he pays to the Poor of the Parish where the Offence was committed, forty Shillings for every Time he hawked, and twenty Shillings for every *Pheasant*, or *Partridge*, destroyed or taken.

[Qu, Sess.] Taking *Pheasants*, or *Partridges* with Engines, in another's Ground, without Licence.

Stat. 11 *H. 7. c. 17. Sect. 2.*

Ten Pounds to be divided between the Owner of the Ground and the Prosecutor.

Killing

Twenty

A P P E N D I X.

Offences.

Killing or taking any Pheasants or Partridges with any Net or Engine, in the Night-time.

Stat. 23 Eliz. c. 10. Sect. 2.

Game.

Penalties.

Twenty Shillings for every Pheasant, and ten Shillings for every Partridge. If not paid in ten Days, a Month's Imprisonment without Bail.

The Money to be divided between the Lord and the Prosecutor; but if the Lord, &c. shall dispense with it, then his Moiety to the Poor.

(Deer-hays, or Buck-Stalls.)

[Two] Keepers of Deer-Hays or Buck-Stalls, save in his own Forest or Park.

Stat. 19 H. 7. c. 11. Sect. 3.

Forty Shillings a Month; the Offender to be examined and committed till Payment.

Justices to have the tenth Part.

Stalkers with any Bush or Beast to any Deer, except in his own Forest or Park.

Stat. 19 H. 7. c. 11. Sect. 4.

Ten Pounds, Proceedings against him, *ut supra*.

(Eggs of Falcon, Goshawk, Lanner or Swan.)

[On. Sect.] Taking out of the Nest any Eggs of Falcon, Goshawk, Lanner, or Swan.

Stat. 11 H. 7. c. 17. Sect. 4.

A Year and Day's Imprisonment; a Fine, one Moiety to the King, the other to the Owner of the Ground. But where they are Swans Eggs, to the Owner of the Swans.

See Tit. Deer *supra*.

(Game-keeper.)

[One] Game-keepers, selling or disposing of Game without the Consent or Knowledge of the Lord.

Stat. 5 Ann. c. 14. Sect. 4.

One Witness.

To be committed to the House of Correction for three Months, to be kept to hard Labour.

No Lord or Lady of a Manor to make above one Person to be a Game-keeper within any one Manor, whose Name must be entred with the Clerk of the Peace, who is to grant a Certificate thereof. And Game-keepers, whose

Incur like Forfeitures, Pains and Penalties, as are inflicted on Higlers, &c. for buying or selling of Game, by 5 Ann. c. 14.

Forfeitures to be recover'd by such Means as are prescribed in the said Act 5 Ann.

A P P E N D I X

Offences.

Game.

Penalties.

whole Names are not so entered, and not otherwise qualified, who shall kill any Hare, &c. or who shall sell or expose to Sale any Hare, &c.

Stat. 9 Ann. c. 25. Sect. 1.

Game-keepers not qualified, or not Servants to Lords of Manors; or immediately employed by them to take and kill Game for their sole Use or Benefit, killing Hare, Pheasant, &c. or keeping Greyhounds, &c.

Stat. 3 Geo. 1. c. 11. Sect. 1.

Incur the Penalties in the Acts 5 & 9 Ann.

Note: The Acts 5 & 9 Ann. and all other Laws now in Force for the better Preservation of the Game, are continued and enforced by 3 Geo. 1. c. 11. Sect. 2.

(Greyhounds, Bows, Setting-Dogs, Ferrets and Snares.)

[One] Persons, not qualified by Law, keeping or using any Bows, Greyhounds, Setting-Dogs, Ferrets, Coney-Dogs, Hays, Lurchers, Tunnels, Low-bells, Hare-pipes, Snares, or other Instruments for destroying of Game.

Stat. 4 & 5 W. & M. cap. 23. Sect. 3.

Confession, or one Witness.

Subject to the same Pains and Penalties as Offenders are liable to, on whom Game shall be found, and who do not give a good Account how they came by it; which *vide supra*, in Title Deer, &c. under Title Game.

To be levied and employed in the same Manner.

Before the Allowance of a *Certiorari*, to remove any Conviction upon the Stat. 4 & 5 W. & M. c. 23. The Party is to become bound to the Prosecutor in 50 l. with *Sureties*, to be approved by a Justice, to pay Costs, upon Oath, in a Month after Conviction is confirmed.

Stat. 4 & 5 W. & M. c. 23. Sect. 7.

Persons not qualified, keeping, or using any Greyhounds, Setting-Dogs, Hays, Lurchers, Tunnels, or any other Engine, to kill and destroy the Game.

Stat. 5 Ann. c. 14. Sect. 4.

One Witness:

Five Pounds, to be levied by Distress and Sale; and for Want, to be committed to the House of Correction for three Months, for the first Offence, and four Months for every other Offence.

[Two] Keepers of Greyhound, Dog, or Net, to kill or take Deer, Hare,

To be committed without Bail, unless they pay forty Shillings to the Poor,

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Offences.	Game.	Penalties.
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Hare, Pheasant, or Partridge, by any who have got an Inheritance of ten Pounds *per Ann.* or Lease for Life of thirty Pounds *per Ann.* or be worth 200 Pounds in Goods, or be Son of a Baron, or Knight, or Heir apparent of an Esquire.

Stat. 1 *Jac.* 1. c. 27. Sect. 3.
Confession, or two Witnesses.

Persons of mean Condition, killing or taking any *Pheasant or Partridge*, with Dogs, Nets, or Engine.

Stat. 7 *Jac.* 1. c. 11. Sect. 8.
Confession, or one Witness.

To grant a Warrant for any Constable, or Headborough, to search the Houses of Persons suspected to have any Setting-Dogs or Nets.

Stat. 21 *Jac.* 1. c. 11. Sect. 9.

Poor, where the Offence was committed.

To be committed without Bail, unless he pay twenty Shillings for every Pheasant and Partridge so killed, or taken; and also be bound in a Recognizance of twenty Pounds never to offend again.

The Dogs to be killed, and the Nets cut in Pieces.

(Guns.)

[One] To grant his Warrant to *Game-keepers*, and others, to search the Houses of Persons prohibited to keep Guns, &c. for such Guns, &c. and to seize them for the Use of the Lord of the Manor, or destroy them.

Stat. 22 & 23 *Car.* 2. c. 25. Sect. 2.

(Hawks.)

[Qu. Sect.] Bearing any *Hawk* of *English* Breed, called a *Nyette*, *Goshawk*, *Tassel*, *Lanner*, *Lanneret*, or *Falcon*.

Stat. 11 *H.* 7. c. 17. Sect. 4.

Killing or scaring away any of the said *Hawks* from the Coverts where they used to breed.

Stat. 11 *H.* 7. cap. 17. Sect. 9, 10.

Unlawfully taking any *Hawk*, or Hawk's Eggs.

Stat. 5 *Eliz.* c. 21. Sect. 7.
Vol. II.

Forfeited to the King, and to be at his Disposal.

Ten Pounds to be divided between the King and Prosecutor.

Three Months Imprisonment; to be bound to the Good Behaviour for seven Years.

[G]

Treble

A P P E N D I X

Offences.

Game.

Penalties.

Stat. 1 H. 7. c. 7. Sect. 3.

Treble Damages to the Party
grieved.

Upon the Offender's Acknowledg-
ment in Sessions, and Satisfaction to
the Party, the Behaviour may be re-
leased.

(Hawking and Hunting.)

[One] Hunters in Forests, Parks,
or Warrens, in the Night-time, or
disguised.

Stat. 1 H. 7. c. 7. Sect. 3.

To be examined, and bound over,
or committed.

Rescous of the Execution of the
Justice's Warrant, Felony.

Inferior Tradesmen, Apprentices,
and other dissolute Persons, hunting
or hawking, unless in Company
with the Master of such Apprentice
qualified by Law.

Stat. 4 & 5 W. & M. cap. 23.
Sect. 10.

Subject to the same Penalties as
Persons are where Game is found,
and to be levied and employ'd in the
same Manner.

[Du. Sess.] Hunters in Forests,
Parks, or Warrens, in the Night-
time, or disguised.

Stat. 1 H. 7. c. 7. Sect. 5, 6.

If the Fact be concealed, Felony.
If confessed, fineable.

Hawking or Hunting with Spaniels
in standing Corn, except on his own
Ground, or with the Owner's Con-
sent.

Stat. 23 Eliz. c. 10. Sect. 4.

Forty Shillings to the Owner of the
Ground.

(Heron.)

[Two] Takers of any old Heron,
without their Grounds.

A young Heron.

Stat. 19 H. 7. c. 11. Sect. 6.

Six Shillings and Eight-pence.

Ten Shillings.

The Offender to be examined and
committed till Payment.

Pigeon, See Tit. Deer, &c. *supra*.

A P P E N D I X

Offences.

Game.

Penalties.

Wild Duck, Teal, Widgeon, and Water-Fowl.

[One] Persons, between July 1. and September 1. as they shall yearly happen, by Hays, Tunnels, or other Nets, driving and taking any Wild Duck, Teal, Widgeon, or any other Water-Fowl in any Fens, &c. or other Places of Resort for Wild Fowl, in the Molting Season.

Stat. 9 Ann. c. 25. Sect. 4.

One Witness on Oath.

Five Shillings for every Wild Duck, Teal, or other Water-Fowl.

One Moiety to the Informer, the other to the Poor. To be levied by Distress and Sale, rendering the Overplus, if any be above the Penalty and Charge of Distress. For Want of Distress to be committed to the House of Correction for any Time not exceeding one Month, nor less than 14 Days, there to be kept to hard Labour.

The Justice to order the Hays, Nets, or Tunnels to be seized and destroyed in his Presence.

[Du. Sess.] Destroying or taking away any Wild Fowl.

Stat. 25 H. 8. c. 11. Sect. 5.

Forfeits for every Egg of a Crane or Bustard, Twenty-pence; of a Bittern, Heron, or Shovelard, Eight-pence; of a Mallard, Teal, or other Wild Fowl, one Penny.

To be divided between the King and Prosecutor.

Gaol.

[One] CAN commit Murderers, and Felons to no other Prison but to the Common Gaol.

Stat. 5 H. 4. c. 10 & 11, & 12 W. 3. c. 19. Sect. 3.

[One or Du. Sess.] To settle what Persons under Arrest shall pay for each Night's Lodging, and other Expences.

Stat. 22 & 23 Car. 2. c. 20. Sect. 9.

[One] An Offender, who is to be conveyed to Gaol, if he does not bear all the Charges.

Stat. 3 Jac. 1. c. 100. Sect. 2.

His Goods (if he has any) are, by Warrant, to be sold by the Constable, the Appraisement thereof to be made by the Neighbours, and the Overplus returned. If he has no Goods, the Constables, Church-wardens, and two or three honest Inhabitants, may, with the Allowance of a Justice under his Hand, tax every

[G 2]

Inha-

A P P E N D I X.

Offences.

Gaol.

Penalties.

Persons not paying Monies charged for Repair of Gaols.

Stat. 11 & 12 W. 3. cap. 19. Sect. 2.

Continued for seven Years by 10 Ann. c. 14.

To be distrained; and if not paid in four Days, the Distress to be sold.

Act 10 Ann. c. 14. made perpetual as to so much of the said Act as relates to the Building and repairing County-Gaols, by

Stat. 6 Geo. 1. c. 19. Sect. 1.

May commit Vagrants, and other Criminals, Offenders, and Persons charged with small Offences, or for Want of Sureties, to the Common Gaol, or House of Correction, as he in his Judgment shall think fit.

Stat. 6 Geo. 1. c. 19. Sect. 2.

[Three] May consent, That Keepers of Gaols, upon emergent Occasions, may provide other Places for the Removal of Sick, or other Persons, out of the usual Gaols, but not against the good Will of the Owner.

Stat. 19 Car. 2. c. 4. Sect. 2.

Quor. 1.

To settle Gaolers Fees for Commitment, Discharge and Chamber-Rent, within their several Precincts, except London, Middlesex, and Surry, which are to be settled by the two Chief Justices, and Chief Baron, or two of them, and the Justices of Peace, in their several Jurisdictions.

Stat. 22 & 23 Car. 2. c. 20. Sect. 10.

Note, That the several Rates of Fees, and the Rates for the Government of Prisons, are to be signed by the Chief Justices, and Chief Baron, or two of them, and the Justices of Peace of London, Middlesex, and Surry; and by the Judges for the Circuits, and the Justices in their Precincts, in the other Counties; to be registred by the Clerk of the Peace, and hung up in a Table in each Prison.

See now the Stat. 2 Geo. 2. c. 22. Sect. 4 and 7.

[Du. Sess.] Upon Presentment of the Grand Jury, at the Assises or Great Sessions, of the Insufficiency of the Prisons or Gaols, may upon Examination of Workmen agree on a Sum for Building or Repairing thereof, and equally levy the same on the several Divisions of the County, by Warrant issued at the Quarter-Sessions to the High Constable, &c. and may make a Receiver.

Stat. 11 & 12 W. 3. c. 19. Sect. 1, 2.

Continued

A P P E N D I X.

Offences.

Goal.

Penalties.

Continued for seven Years, by 13 Ann. c. 14. made perpetual by 6 Geo. 1. c. 19.

See Tit. House of Correction.

Gilding and Goldsmiths.

[Au. Sess.] **G**ilding Sheaths, or any Metal, but Silver, and the Ornaments of Holy Church; and Silvering any Metal but Knights Spurs, and the Apparel belonging to a Baron, or above.

Stat. 8 H. 5. c. 3. Sect. 4.

Ten Times the Value of the Thing so gilt, and a Year's Imprisonment.

One third Part of the Forfeiture to the Prosecutor.

To hear and determine all Offences about Goldsmiths selling Silver contrary to

Stat. 2 H. 6. c. 14. Sect. 8.

Girdlers. See Shoemakers.

Glovers. See Tanners.

Greyhounds. See Tit. Game.

Gunpowder.

[Two] **M**AY summon and examine Dealers in Gunpowder, upon their Oath, if 600 Pounds is kept in any Place within London and Westminster, or three Miles of the Tower, or St. James's, or two Miles of any Magazine of the Crown.

Stat. 5 Geo. 1. c. 26. Sect. 2.

If on Examination, or Oath of two Witnesses, it shall appear he has

And commit such as refuse to be examined, to the County-Goal without Bail, till he conform, &c.

May by Order cause him to remove it; and if he does not within

[G 3]

twenty

A P P E N D I X

Offences.

Gunpowder.

Penalties.

has more than 600 Pounds, *ut supra*.

Stat. 5 Geo. 1. c. 26. Sect. 2.

May by Warrant order Store-houses, or Places used for keeping Gunpowder, to be searched in the Day-time, and to break open Doors, if Occasion.

None to carry through London, Westminster, or Suburbs, above two hundred Pounds of Gunpowder at a Time, and to be carried in Carriages and Barrels close jointed, and hooped and cased with Canvas or Leather. And Gunpowder carried by Man or Horse, to be put in Cases of Canvas or Leather, entirely covered.

Stat. 5 Geo. 1. c. 26. Sect. 4.

Note; This Act does not extend to any Store-house or Magazine, belonging to the King, or to the proving Gunpowder by his Majesty's Officers; or to the carrying of Gunpowder to or from his Majesty's Magazines, or with Forces in their Marches.

Stat. 5 Geo. 1. c. 26. Sect. 5.

None to keep in London, Westminster, or within three Miles of the Tower, or two Miles of any Crown Magazine, above 200 Pounds of Gunpowder at one Time in any Place for above twenty-four Hours.

Stat. 11 Geo. 1. c. 23. Sect. 1.

[One] Persons using any Iron Hammer, or Hammer plated with Iron or Steel, in any Warehouse or Place, while any Gunpowder is there, if convicted within one Month after, on Oath of one Witness.

Stat. 11 Geo. 1. c. 23. Sect. 3.

twenty-four Hours after Notice of such Order, he forfeits twenty Shillings for every 100 Pounds, to any that sues within six Months.

Opposers hereof forfeit five Pounds to any that sues in six Months. And if more than 600 Pounds be found, to cause it to be removed at the Owner's Charge, to be levied by Distress.

Stat. 5 Geo. 1. c. 26. Sect. 3.

On Forfeiture of all the Gunpowder, on Conviction before two Justices.

To the Person seizing the same.

On Forfeiture of all the Gunpowder, or the Value, with Costs of Suit, &c. *Ibid.*

Twenty Shillings to the Informer, by Distress, &c. and if none, to the House of Correction, for not less than fourteen Days, nor above a Month.

[Two]

Obstructing

A P P E N D I X

Offences.

Gunpowder.

Penalties.

[Two] On Demand of a Parish-Officer (or two Householders assigning reasonable Cause) to issue Warrants *gratis* for a Search, &c. The Searchers are immediately to seize, and in twelve Hours remove the Powder, except the Quantity allowed to be kept.

Ibid. Sect. 2.

Obstructing the Seizure or Removal, five Pounds to the Informer, &c. *ut supra.*

Note; This Act does not extend to any Store-house or Magazine of the Crown where Gunpowder, &c. is kept for the Use of the Publick; nor to hinder the proving or trying Gunpowder by the King's Officers as usual; nor to the carrying Gunpowder to or from any the King's Magazines, or with the Forces in their Marches. *Ibid.* Sect. 4.

Nor does it invalidate any of the Provisions of 5 Geo. 1. c. 26. (except such as are hereby alter'd). *Ibid.* Sect. 5.

[Qu. Sess.] The Sessions for *Essex, Kent, and Surrey*, to appoint Places not exceeding two Acres in a Place, for erecting Warehouses for Gunpowder; and if the Land-Owners disagree, send Warrants to the Sheriff to return a Jury to enquire the Value: Such Inquisitions to be kept among the Sessions-Records, and their Judgment final: To which End they may examine on Oath, and order the Sum not exceeding thirty Years Purchase to be paid the Owner; which if he refuses, they may receive for his Use, and thereon the Inheritance to be vested in the Purchaser.

Stat. 5 Geo. 1. c. 26. Sect. 8.

See Stat. 4 Geo. 2. c. 29.

[Two] No Master or Commander outward bound, to receive (or permit) any Gunpowder to be put on Board (except for the King's Service) before the Ship be at or below *Blackwall*.

Stat. 5 Geo. 2. c. 20. Sect. 2.

On Penalty of Five Pounds for every Fifty Pounds, and so in Proportion.

Ships on coming in, to Land all their Gunpowder before their Arrival at *Blackwall*, or in twenty-four Hours (if Weather permit) after their coming to Anchor there, or at the Place of unloading.

Ibid. Sect. 3.

Five Pounds for every Fifty Pounds, and so in Proportion.

If any Gunpowder found on Board above *Blackwall*, after the said Time. *Ibid.*

No

The like Forfeitures.

[G 4]

For

A P P E N D I X

Offences.

Gunpowder.

Penalties.

No Master, Commander, or Officer of any Ship (except his Majesty's) while it lies between *London-Bridge* and *Blackwall*, to keep any Gun on Board shotted or loaded with Ball; nor Discharge or permit it, any such Gun above *Blackwall*, before Sun-rising or after Sun-set.

Ibid. Sect. 4.

If a Master, Commander or Officer, or other Person on Board while the Ship lies between *London-Bridge* and *Blackwall*, heats or melts (or permits it) by Fire, Loggerheat Shot, or any other Thing on Board, any Pitch, Tar, Rosin, Grease, Tallow, Oil, or other such combustible Matter.

Ibid. Sect. 4.

The Coporation of *Trinity-House*, may under their Seal appoint any Elder Brother to go in a Boat between Sun-Rising and Setting, and enter any Ship (his Majesty's always excepted) and search for Powder, Guns Shotted, Grease, &c. melting.

Ibid. Sect. 5.

For every Gun so loaded five Shillings, and for every Gun discharged, ten Shillings.

Five Pounds for every Offence.

Masters, Commanders, &c. refusing, &c. such Entry, Search, &c. forfeit Five Pounds.

See how all pecuniary Penalties and Forfeitures given by this Act, are to be heard, adjudged, levied and applied in Tit. *Pilots*.

Hackney Coaches and Chairs.

[One] **N**O Person shall drive or let to Hire by the Hour or Day, or otherwise, any Hackney Coach, or Coach-Horses, within *London* or *Westminster*, or *Bills of Mortality*, without Leave or Licence from the Commissioners appointed

On Forfeiture of Five Pounds, for every Offence. To be levied by Distress, and sold in ten Days, and the Overplus returned to the Owner. The Charges of the Distress to be first deducted, if not paid upon seven Days Notice.

In

A P P E N D I X

Offences. Hackney Coaches and Chairs. Penalties.

pointed by Virtue of the Stat. 9 Ann.
c. 23.

Ibid. Sect. 4.

No Person shall carry for Hire, in any Hackney Chair any Person whatsoever in the Cities of London, &c. without a Licence from the Commissioners.

Ibid. Sect. 4.

No Horse, Gelding or Mare to be used with any Hackney Coach, to be under the Size of fourteen Hands high, according to the Standard.

Ibid. Sect. 4.

No Person shall put the same Figure or Mark of Distinction upon his Coach or Chair, that is appointed for any other Coach or Chair, or shall blot out, obliterate, alter, or deface the Figure appointed by the Commissioners for his Coach or Chair.

Ibid. Sect. 4.

No Hackney Coachman, nor Driver shall take for his Hire, in and about London and Westminster, or within ten Miles thereof, above the Rate of ten Shillings for a Day, reckoning twelve Hours to the Day; and by the Hour, not above Eighteen-pence for the first Hour, and Twelve-pence for every Hour after.

From any of the Inns of Court, or thereabouts, to any Part of St. James's or City of Westminster (except beyond Turtle-Street) above Twelve-pence; and the same Prices from the same Places to the Inns of Court, or Places thereabouts.

From any of the Inns of Court, or thereabouts, to the Royal Exchange, Twelve-pence; and if to the Tower, Bishopgate, or Aldgate, or thereabouts, one Shilling and Sixpence, and the like Rates from and to any Place of the like Distance.

Ibid. Sect. 6.

No Person to pay above Twelve-pence for any Distance, not exceeding one Mile and four Furlongs; and if above that Distance, and not exceeding two Miles, Eighteen-pence. The Commissioners to cause the several Distances

In Default, to be committed till Payment, without Bail.

Sect. 12 & 17.

Upon Pain to forfeit forty Shillings for every Offence.

To be levied, *ut supra*, and in Default to be committed, *ut supra*.

Five Pounds to be levied, *ut supra*, and in Default, to be committed, *ut supra*.

Under the Forfeiture of Five Pounds for every Offence.

To be levied, *ut supra*, and in Default, to be committed, *ut supra*.

One Moiety of the above Penalties to be to the Informer, the other to the Queen, her Heirs and Successors.

Sect. 12 & 17.

A P P E N D I X

Offences. Hackney Coaches and Chaires. Penalties.

stances between the most noted Places within the *Weekly Bills of Mortality*, to be admeasured and published.

Ibid. Sect. 7.

No Person to pay Chairmen for an Hackney Chair, carried any Distance within the said Limits, more than the Rate by this Act allowed for an Hackney Coach, driven two Thirds of the same Distance; and Commissioners to publish in Writing the several Rates of Chairmen.

Stat. 9 *Ann.* c. 23. Sect. 8.

Hackney Coachman or Chairman refusing to go at, or exacting more for his Hire than the Rates limited by the Stat. 9 *Ann.* c. 23.

Ibid. Sect. 8.

Forfeits for every Offence forty Shillings.

To be levied, *ut supra*, and in Default, to be committed, *ut supra*.

All the Offences against the Stat. 9 *Ann.* c. 23. are to be heard and determined in a summary Way upon the Oath of one or more credible Witnesses (the Party accused being summoned to make his Defence) or upon Confession of the Party offending.

One Moiety of all the Forfeitures and Penalties to the Queen, her Heirs, &c. the other to the Informer.

Ibid. Sect. 13.

The Breach of any of the Rules and Orders appointed by the Stat. 5 & 6 *H. & M.* c. 22. and 9 *Ann.* c. 23. and the Penalties thereupon; and the Rules, Orders, and By-Laws made by the Commissioners, and allowed and approved by the Lord Chancellor, &c. are punishable, and to be inflicted and put in Execution by any Justice, &c. where such Offence shall be committed, in as full and ample Manner as by the Commissioners.

Ibid. Sect. 17.

No Person to be twice punished for the same Offence.

The Penalties levied by any Justice of the Peace, &c. by Virtue of the Stat. 9 *Ann.* c. 23. or By-Laws. The Queen's Part to be transmitted to the Receiver General of the Hackney Coaches and Chairs, and to be certified to the Commissioners within ten Days after levied.

Ibid. Sect. 18.

Upon Pain to forfeit double the Value of the Sum which should be transmitted and certified.

Two Thirds to the Queen, the other to him that will inform or sue for the same.

Hackney

A P P E N D I X

Offences. Hackney Coaches and Chaires. Penalties.

Hackney Coachman, Driver, or Chairman, may Ply and Drive on the Lord's Day, within the Weekly Bills of Mortality, notwithstanding the Act 29 Car. 2.

Ibid. Sect. 20.

Persons refusing or neglecting to pay Coachman or Chairman the Money justly due to him, or wilfully cutting, defacing, or breaking any Coach or Chair, upon Complaint thereof.

Ibid. Sect. 22.

Person driving a Coach, or carrying a Chair for Hire, not being interested himself in the Licence so to do, but acting under the Licence of another, as his or her Servant, or otherwise, being guilty of any Mischief in his Employment, by demanding more than his Fare, or by giving abusive Language, or any other rude Behaviour.

Ibid. Sect. 56.

If convicted by the Oath of one or more credibly Witnesses before one Justice of London, Middlesex, or Surry.

Hackney Coachman or Driver, refusing to go at, or exacting more for his Hire than according to the 9 Ann. c. 23. or By-Laws made pursuant thereto.

Stat. 1 Geo. 1. cap. 57. Sect. 2 & 7.

To grant a Warrant to bring the Offender before him; and upon Proof on Oath, to award reasonable Satisfaction for Damages and Costs; and on Refusal to pay or make Satisfaction, to bind over to the Quarter-Sessions.

Forfeits a Sum not exceeding twenty Shillings to the Poor; if not able, or refuse to pay, to be committed to the House of Correction, to be kept to hard Labour for seven Days, and receive the Correction of the House before he be discharged.

Forfeit not exceeding three Pounds, nor under ten Shillings.

Offences to be determined, and Penalties and Forfeitures to be recovered, levied, and applied, as the forty Shillings Penalty may by 9 Ann. c. 23.

Justices have the same Power to inflict Penalties, as the Commissioners.

[Du. Sess.] Finally to hear and determine the Matter of Complaint between Persons refusing to pay Coachmen or Chairmen, what is justly due, and cutting, defacing, or breaking Coach or Chair, where the Party

The Court is to award Satisfaction for Damages and Costs to the Party grieved; and for Nonpayment, to levy the same by Distress.

A P P E N D I X

Offences. Hackney Coaches and Chairs. Penalties.

Party is bound over by a Justice, for not paying or making such Satisfaction as is awarded.

Ibid. Sect. 22.

Hair Powder. See Excise,

Harvest Workmen.

[Two] **T**O convey back Harvest or other Workmen who are licensed, and do not return when their Work is finished, or shall become impotent.

Stat. 13 & 14 Car. 2. c. 12. Sect. 3.

Hawkers and Pedlars.

[One] **H**awkers, Pedlars and Petty Chapmen, trading without or contrary to Licence.

Stat. 8 & 9 W. 3. c. 24. Sect. 3.

— 9 & 10 W. 3. c. 27. Sect. 3.

Confession, or due Proof upon Oath, of one or more Witnesses.

Persons so trading, and upon Demand refusing to shew to a Justice, &c. a Licence.

Stat. 8 & 9 W. 3. c. 24. Sect. 3.

— 9 & 10 W. 3. c. 27. Sect. 3.

Conviction, *ut supra*.

Constables, or other Officers, refusing, or neglecting upon due Notice, to aid or assist in the Execution of

Stat. 8 & 9 W. 3. c. 24. Sect. 7.

— 9 & 10 W. 3. c. 27. Sect. 7.

For every Offence twelve Pounds. One Moiety to the Informer, the other to the Poor, to be levied by Distress and Sale.

Five Pounds to the Use of the Poor, and for Non-payment, shall suffer as a common Vagrant, and be committed to the House of Correction.

Forty Shillings, one Moiety to the Poor, the other to the Informer, to be levied by Distress and Sale.

Note; Any Person may seize and detain any Hawker, &c. till such Time as he or she shall produce a Licence, if they have any; if not, till they

A P P E N D I X.

Offences.

Hawkers and Pedlars.

Penalties.

they give Notice to the Constable or some other Parish-Officer, who shall carry such Offender before a Justice, who is by Warrant to levy the Penalty out of the Offender's Goods and Wares, with reasonable Charges.

Ibid. Sect. 8.

Persons trading as Hawkers, &c. who shall not, upon Demand, have their Licence ready to be produced.

Stat. 3 & 4 Ann. c. 4. Sect. 4.

Forfeits as one trading without Licence, and may be committed, and the Forfeitures levied and employed, *ut supra*.

Makers and Wholesale Traders in *English* Bone-lace, and selling the same by Wholesale, are not *Hawkers*, &c. within the Stat. 8 & 9 W. 3. c. 24. and 9 & 10 W. 3. c. 27. And they, their Children, Apprentices, Servants, or Agents (selling by Wholesale only) may go from House to House, or Shops, to their Customers, without being liable to the Penalties against *Hawkers*.

Stat. 4 Geo. 1. c. 6. Sect. 1.

Hawkers and Hawking. See Tit. Game.

Hay.

[One] **P**ersons offering any old Hay to be sold within the *Weekly Bills of Mortality*, between the last of *August* and first of *June*, which does not weigh fifty-six Pounds a Truss at least; and between the first of *June* and the last of *August* weighs not sixty Pounds a Truss new, and old fifty-six.

Stat. 2 W. & M. Sess. 2. cap. 8. Sect. 16.

View, Confession, or one Witnesses.

One Shilling and Six-pence for every Truss, to be levied and employed, as the Penalties for sweeping the Streets; which see in Title

Scabenger.

Hay

A P P E N D I X

Hay and Oats.

Offences.

Penalties.

[One] Taking more for Hay, Oats, &c. in the King's Progres than the Prices set.

Stat. 13 Car. 2. c. 8. Sect. 5.
1 Jac. 2. c. 10. Sect. 5.

Forty Shillings, to be levied by Distress and Sale.

5 & 6 W. & M. c. 22.
Confession or Oath of two Witnesses.

Hay and Straw.

[One] Persons suffering their Waggon, Cart, &c. to stand in any Place within the Weekly Bills of Mortality, laden with Hay or Straw to be sold, from Michaelmas to Lady-Day, after two a Clock in the Afternoon; and from Lady-Day to Michaelmas after three.

Stat. 4 W. & M. c. 8. Sect. 17.
View, Confession or one Witness.

Five Shillings; to be levied and employed, as the Penalties for not sweeping the Streets; which see in Tit. Scabenger.

Hay-Market.

[One] Persons refusing to pay three Pence a Cart-Load of Hay, and one Penny a Cart-Load of Straw, that shall stand to be sold in the Hay-Market, in the Parish of St. Martin's and St. James's, in Ease of the Parishioners of the said Parishes, for and towards the paving and amending the Street.

Stat. 8 & 9 W. 3. c. 17. Sect. 3.

The same to be levied by Warrant, under the Hand and Seal of one Justice of Middlesex or Westminster, by Distress; to be sold, if not paid in three Days.

A P P E N D I X

Offences.

Hay-Market.

Penalties.

One Justice of the *Quorum* of *Middlesex*, or *Westminster*, may take the Complaint against such as stand longer in the said *Hay-Market* than they ought, whereby they forfeit.

Five Shillings, to be levied, as by 2 *W. & M. c. 8.*

Stat. 8 & 9 *W. 3. c. 17. Sect. 3.*

[*An. Sess.*] The Collectors of the Toll gathered in the *Hay-Market* are yearly, at every *Easter-Sessions* to give to the Justices of the Peace of the County of *Middlesex* and City of *Westminster*, a particular Account upon Oath, of their Receipts and Disbursements, and the Overplus is to go to the County of *Middlesex*.

Stat. 8 & 9 *W. 3. c. 17. Sect. 7.*

Heath, Furze, and Fern.

[*One*] Persons on Mountains, Hills, Heaths, Moors, Forests, Chases, or other Wastes, burning between 2 February and 24 June, any Grig, Ling, Heath, Furze, Gorts or Fern.

To be committed to the House of Correction, not exceeding one Month, nor under ten Days, to be whipp'd, and kept to hard Labour.

Stat. 4 & 5 *W. & M. cap. 23. Sect. 11.*

Hedges and Pales. See Orchard.

Hemp and Flax.

[*An. Sess.*] W Atering Hemp, or Flax in the River *Severn*.

Five Pounds for every Offence. One Moiety to the Poor, the other to the Prosecutor.

Stat. 30 *Car. 2. c. 9. Sect. 1.*

Note: Foreigners who shall use for three Years the Trades of breaking, hitching, or dressing Hemp or Flax, are to take the Oaths of Allegiance and Supremacy.

Herrings. See Salt.

Hides.

A P P E N D I X

Hides.

Offences.

[One] **T**O administer an Oath to all subordinate Officers for the Duty on *Hides*, &c. who shall receive any Salary or Allowance, in Respect of his Office, before he Acts, for his due and faithful Execution of his Office. And to give a Certificate *Gratis*.

Stat. 9 *Ann. c. 11. Sect. 45.* See Titles *Butcher* and *Tanner*.

Pénalties.

Highwayman.

[Two] **I**F any Person endeavouring to apprehend a *Highwayman*, be killed, his Executors, or Administrators, upon a Certificate under the Hand and Seal of the two next Justices, shall receive the Sum of forty Pounds.

Stat. 4 & 5 *W. & M. cap. 8. Sect. 3.*

The Sheriff, in Failure of Payment, forfeits double the Sum.

To be recover'd by Action of Debt, Bill, Plaint, or Information, &c. with treble Costs.

Highways. See Westminster.

THE Streets of *London* and *Westminster*, and other Cities, Towns and Places, are deemed and taken to be Highways within the Intent and Meaning of the Stat. 4 & 5 *W. & M. c. 8.*

Stat. 6 *Geo. 1. c. 23. Sect. 8.*

(Constables and Surveyors.)

[One] **C**onstables and Surveyors of the *Highways*, neglecting to put in Execution the Statutes made for repairing the *Highways*.

Stat. 22 *Car. 2. c. 12. Sect. 1.* View, or one Witness.

To be fined, not exceeding forty Shillings. To be levied by Warrant, directed to the High Constable, and to be employed in amending the *Highways*.

The Penalty is encreased to five Pounds, by 6 *Ann. c. 29. Sect. 3.*

Refusing

Forty

A P P E N D I X

Offences.

Highways.

Penalties.

(Constables and Surveyors.)

Refusing any employed in the executing the Acts for repairing the *Highways*, or rescuing Goods distrained by Virtue of them.

Stat. 22 Car. 2. c. 12. Sect. 3.

View, or one Witness.

Forty Shillings, to be employed, *ut supra*, and if not paid in seven Days after Notice, to be committed till Payment.

To take the Returns, which the Surveyors of the *Highways* are to make, of Defaulters, within a Month after every Default, and to present the same at the next Quarter-Sessions.

Stat. 22 Car. 2. c. 12. Sect. 12.

Surveyors of the *Highways* not viewing the Roads, Water-Courses, Bridges, Causeways, &c. and not returning, upon Oath, once in four Months to a Justice.

Stat. 3 & 4 W. & M. cap. 12. Sect. 8.

Prosecution in six Months.

The same Penalty as for refusing to execute the Office.

Where Notice of Defaults is given in the Church by the Surveyors of the *Highways*, and the Defaulters do not repair and amend in thirty Days, and the Surveyors do.

Stat. 3 & 4 W. & M. cap. 12. Sect. 8.

Upon Oath of the Surveyors.

Prosecution, *ut supra*.

Defaulters to pay to the Surveyors, such Charges as one Justice shall think reasonable, to be levied by Distress and Sale.

Surveyors of *Highways* neglecting to erect or fix a Stone or Post, where two or more cross *Highways* meet, with an Inscription thereon in large Letters, containing the Name of the next Market-Town, to which each of the adjoining *Highways* lead, according to the Precept to him to be directed by the Justices, at their four Months Sessions for the *Highways*.

Stat. 8 & 9 W. 3. c. 15. Sect. 7.

Ten Shillings, to be levied by Distress and Sale, and employed towards such Stone or Post; if any Overplus, in repairing the *Highways*.

Vol. II.

Surveyors

[H]

Five

A P P E N D I X

Offences.

Highways.

Penalties.

(Constables and Surveyors.)

Surveyors of the *Highways* neglecting to put the 6 *Ann. c. 29.* or any former Laws for repairing *Highways*, in Execution.

Stat. 6 *Ann. c. 29.* Sect. 3.

Five Pounds, to be levied by Distress and Sale in three Days.

One Moiety to the *Highways*.

The other Moiety to the Prosecutor, so as he be an Inhabitant of the Town, Village, or Place.

Justices of Corporations, &c. are to put in Execution this and all former Statutes relating to *Highways*.

Stat. 1 *Geo. 1. c. 52.* Sect. 7.

[Two] Surveyors of the *Highways* elected, and not taking the Office upon them.

Stat. 2 & 3 *P. & M. cap. 8.* Sect. 1.

Quor. 1.

Bailiff or High Constable, not accounting for Monies by them received towards the Repair of the *Highways*.

Stat. 2 & 3 *P. & M. cap. 8.* Sect. 4.

Quor. 1.

Surveyors of the *Highways* not presenting Defaulters in not repairing the *Highways*, and all Offenders therein to the next Justice.

Stat. 5 *Eliz. c. 13.* Sect. 8.

Twenty Shillings apiece, by Distress and Sale, and employ'd in the Amendment of the *Highways*.

Increased to five Pounds, by 3 & 4 *W. & M. c. 12.* Sect. 2.

To be committed till all Arrears are paid, save eight Pence in the Pound for themselves, and twelve Pence for the Clerk of the Peace.

Forty Shillings, to be levied as the Penalties in 2 & 3 *P. & M. c. 8.*

To nominate on *January 3.* yearly, or within fifteen Days after, at a Special Sessions, to be held for that Purpose, out of a List, to be to them returned by the Constables, Headboroughs, Tithing-Men, Church-wardens, Surveyors of the *Highways*, and Inhabitants One, Two, or more to be Surveyor, or Surveyors of the *Highways*, under Hand and Seal.

Stat. 3 & 4 *W. & M. c. 12.* Sect. 3.

Note ; Justices are required to give Notice to Constables, &c. within the Division, ten Days before the holding their Special Sessions. And none are qualified to be Surveyors who have not an Estate in Land in their own Right, or their Wives, of Ten Pounds *per Ann.* or a Personal Estate of one Hundred Pounds, or occupy Lands, &c. of Thirty Pounds *per Ann.* if such there be.

Persons

A P P E N D I X

Offences.

Highways.

Penalties.

(Constables and Surveyors.)

Persons nominated by the Justices to be Surveyors of the Highways, refusing, or neglecting.

Stat. 3 & 4 W. & M. cap. 12. Sect. 3.

One Witness.

Prosecution in six Months.

To name other Persons in the Room of Surveyors of the Highways refusing toties quoties.

Stat. 3 & 4 W. & M. c. 12. Sect. 3.

Constables, &c. who shall not return Lists of Names to the Justices at their Special Sessions, out of which they are to nominate Surveyors of the Highways.

Stat. 3 & 4 W. & M. cap. 12. Sect. 3.

Conviction and Prosecution, *ut supra*.

The Surveyors, every four Months, to make their Presentments on Oath.

Stat. 3 & 4 W. & M. cap. 12. Sect. 10.

Conviction and Prosecution, *ut supra*.

Surveyors of Highways, before discharged of the Office, to Account upon Oath, and if Money in their Hands, and do not pay it.

Stat. 3 & 4 W. & M. cap. 12. Sect. 9.

Prosecution in six Months.

Surveyors neglecting their Duty in any Thing required by

Stat. 3 & 4 W. & M. cap. 12. Sect. 12.

Conviction and Prosecution, *ut supra*.

Surveyors of the Highways nominated by Virtue of the Stat. 3 & 4 W.

Five Pounds, to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Repair of the Highways.

Twenty Shillings, to be levied and employed, *ut supra*.

Forty Shillings, to be levied and employed as the Penalty for refusing to hold.

Double the Value, to be levied and employed, *ut supra*.

Forty Shillings, to be levied and disposed, *ut supra*.

See Bate infra.

The like Penalty on Surveyors neglecting to give such Account, as

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on

A P P E N D I X.

Offences.

Highways.

Penalties.

(Constables and Surveyors.)

W. & M. c. 12. within fourteen Days after Acceptance of their Office; and so every four Months, or oftner, if required thereto by Warrant, to view all the Roads, Common *Highways*, Bridges, Causeways, Pavements, Hedges, Ditches, and Water-Courses appertaining to such *Highways*, and Nuisances and Incroachments made in or upon them. And to give an Account in Writing upon Oath, of the State and Condition of them, and of Neglects of Labourers, and of those obliged to find Labourers or Teams, to the Justices at their Special Sessions.

Stat. 1 *Geo. 1. c. 52. Sect. 2.*

Justices at their Special Sessions, by Writing under their Hands and Seals, may order Roads out of Repair, within the Hundred or Division, to be amended, and in what Manner the same shall be performed.

Stat. 1 *Geo. 1. c. 52. Sect. 3.*

Surveyors or other Persons misapplying any Fine, Penalty or Forfeiture laid by Virtue of this Act, on Proof, upon Oath, before Justices at their Special Sessions, who likewise may examine upon Oath, Persons that can give any Account of Monies that ought to be applied to amend *Highways*.

Stat. 1 *Geo. 1. c. 52. Sect. 5.*

Note; Justices Clerks not to take any Fee for Surveyor's Oath, or Accounts on Pain of Ten Pounds, to be recovered in any Court of Record.

Stat. 1 *Geo. 1. c. 52. Sect. 11.*

[*Qu. Sess.*] Surveyors neglecting their Duty.

Stat. 1 *Geo. 1. c. 52. Sect. 10.*

on Surveyors refusing to execute the Office.

To be levied and disposed of as the Penalties are by 3 & 4 *W. & M. c. 12.*

Justices, at such their Special Sessions, may excuse on reasonable Excuse.

Surveyors required to proceed according to such Orders.

Forfeit five Pounds to the Informer.

To be levied by Distress.

Forfeit Forty Shillings, to be levied by Distress and Sale, if not paid in eight Days.

(Obstructions.)

A P P E N D I X

Offences.

Highways.

Penalties.

(Obstructions.)

[Two] Persons laying in any *Highways*, not twenty Foot broad, any Thing whereby the same may be obstructed or annoyed.

Stat. 3 & 4 W. & M. cap. 12.

Sect. 4.

One Witness.

Prosecution in six Months.

Possessors of Lands next adjoining to *Highways*, where Timber, Stone, Hay, Straw, Stubble, or other Matter for making Dung is laid, shall remove and dispose of the same to their own Use; and if they neglect to clear the Way, or cleanse their Ditches, and carry away the Earth; to lay sufficient Trunks, or Bridges, where there are Cart-ways into Grounds by the Space of ten Days after Notice given by Surveyors.

Stat. 3 & 4 W. & M. cap. 12.

Sect. 6.

Conviction and Prosecution, *ut supra*.

Owner of Tree, Bush, or Shrub, growing in any *Highway*, not cutting it down in ten Days after Notice by the Surveyor.

Stat. 3 & 4 W. & M. cap. 12.

Sect. 6.

Conviction and Prosecution, *ut supra*.

Persons neglecting or delaying to scowr and keep open Ditches, and Water-Courses adjoining to *Highways*, and to remove such Annoyances to the *Highways* thirty Days after Notice by Surveyors: Or shall leave the Earth of Ditches scowred in the *Highways*, for the Space of eight Days, Oath thereof being made by Surveyors.

Stat. 1 Geo. 1. c. 52. Sect. 8.

Five Shillings, to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Repair of the *Highways*.

Five Shillings for every Offence, to be levied and employ'd, *ut supra*.

Five Shillings for every Offence, to be levied and employed, *ut supra*.

Forfeit two Shillings and Sixpence for every eight Yards of Ditching so not scowred.

And not exceeding five Pounds, nor under Twenty Shillings for each other Offence.

To be levied by Distress and Sale, and applied to the amending the *Highways*.

[Qu,

[H 3]

Ten

A P P E N D I X

Offences.

Highways.

Penalties.

(Obstructions.)

[Qu. Sess.] Not scowring Ditches, or keeping low Hedges, Trees and Bushes, according to 5 Eliz. c. 13.

Stat. 18 Eliz. c. 10. Sect. 8.

Not scowring the Ditches in the Ground next the Highway.

Stat. 18 Eliz. c. 10. Sect. 6.

Casting the Scowring of Ditches into the Highway, and suffering it to lie there six Months.

Stat. 18 Eliz. c. 10. Sect. 7.

Ten Shillings, to be levied by Distress and Sale.

Twelve Pence for every Rod unscowred, to be levied, *ut supra*.

Twelve Pence for every Load, to be levied, *ut supra*.

(Presentment and Certificate.)

[One] To certify the Presentments made by the Surveyors of the Highways the next Sessions; and his Presentment of the Highways, upon his own Knowledge, is a good Conviction.

Stat. 5 Eliz. c. 13. Sect. 9.

(Rates.)

[Two] At four Months Sessions upon Oath made by the Surveyors of the Highways what Sum or Sums they have expended for Materials to repair the Highways, the Justices are by Warrant to order a Rate to be made, according to 43 Eliz. for Relief of the Poor, to reimburse Surveyors.

Stat. 3 & 4 W. & M. c. 12. Sect. 17.

Persons refusing to pay the above-mentioned Rate for reimbursing the Surveyors.

Stat. 3 & 4 W. & M. c. 12.

Prosecution in six Months.

The Rate to be levied by Distress and Sale.

If any Fine, &c. imposed upon a Parish for not repairing the Highways, shall be levied on one or more of the Inhabitants; the Justices, at four Months Sessions, shall cause a Rate to be made to reimburse them, which is to be levied and paid by the Surveyors in a Month.

Stat. 3 & 4 W. & M. c. 12. Sect. 14.

[Qu. Sess.] To order Rates to be made for repairing the Highways, but not to exceed six Pence in the Pound upon Land, and six Pence for twenty

A P P E N D I X

Offences.

Highways.

Penalties.

(Rates.)

twenty Pounds in Personal Estate, where they cannot be repaired by any former Law in Force.

Stat. 3 & 4 W. & M. c. 12. Sect. 17, 18.

To order a Rate for Repair of *Highways* in the Parishes in *Middlesex*, within the Bills of Mortality, not exceeding four Pence in the Pound Land, and eight Pence for twenty Pounds Personal Estate.

Stat. 2 & 3 W. & M. c. 8. Sect. 23.

On the Surveyor's Application to the Quarter-Sessions, if the Justices there find the *Highways*, &c. so far out of Order, that they cannot be repaired without a further Power than the Laws have appointed, they may cause Assessments to be made not exceeding what is limited by 3 & 4 W. & M. though the six Days Work have not been performed. But raising Money by such Assessments, not to excuse the working of Teams, or Labourers, by Law appointed to work, &c.

Stat. 1 Geo. 1. c. 52. Sect. 6.

To make such Order for Relief of Persons aggrieved as they shall think convenient. The same to conclude and bind all Persons, except such who neglect to scowr their Ditches, and carry away the Earth taken out of the same, or who shall not carry away Stone, Timber, Straw, or Dung, left in *Highways*; or who shall not remove Annoyances to *Highways* by Water-Courses.

Stat. 1 Geo. 1. c. 52. Sect. 12.

Note; No Person is liable to be punished for any Offence against the Stat. 1 Geo. 1. c. 52. unless prosecuted in six Months. And no Person who shall be punished for any Offence by this Act, to be punished for the same Offence by Virtue of any other Act or Law whatsoever.

Sect. 14. *Ibid.*

(Sessions.)

[Two] To hold a Special Sessions for the *Highways*, every four Months, and summon thereunto all the Surveyors of the *Highways*, and declare to them what they are obliged to do by Virtue of this, or any former Act.

Stat. 3 & 4 W. & M. cap. 12. Sect. 10.

Justices neglecting or refusing to do what is requir'd of them by this Act, forfeit Five Pounds, to be recovered by Action of Debt, &c.

One Moiety to the Prosecutor, the other in amending the *Highways*. Prosecution in six Months.

[Five] After Summons, to shew Cause why *Highways* should not be enlarged: At the Quarter-Sessions to order the Enlarging or Widening any *Highways*;

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A P P E N D I X

Offences.

Highways.

Penalties.

(Sessions.)

Highways; but the Ground taken in must not exceed eight Yards; nor must any House be pull'd down, or Garden, Orchard, Court or Yard taken away; and Satisfaction must be made, by Jury, for the same, not exceeding twenty-five Years Purchase.

Stat. 8 & 9 W. 3. c. 15. Sect. 1.

An Appeal to the Judge of Assize.

[*Five*] To order Assessments upon Land not exceeding Six-pence in the Pound; And upon Personal Estate, not exceeding Six-pence for every twenty Pounds, upon such as are to pay to the *Highways*, towards Payment of the Owners of the Land taken away.

Stat. 8 & 9 W. 3. c. 15. Sect. 2.

Appeal, *ut supra*.

[*Qu. Sess.*] To enquire of Breaches of 2 & 3 P. & M. c. 8. concerning *Highways*, and to set such Fines as they, or any two (*Quor. 1.*) shall think fit, to be levied by Way of Distress; and if no Distress, or not paid in twenty Days after Demand, double so much, to be employed in mending the *Highways*.

Stat. 2 & 3 P. & M. c. 8. Sect. 10.

To assess a Fine upon a Justice of Peace his Presentment of the *Highways*, upon his own Knowledge, to be estreated, levied, accounted, and employed, as by 2 & 3 P. & M. c. 8.

Stat. 5 Eliz. c. 13. Sect. 9.

(Who to Work.)

[*Two*] Persons having a Team, or Plough Land, either in Arable, or Pasture, and a Subsidy Man of nine Pounds in Goods, or forty Shillings in Lands, not sending two able Men with Team and Tools convenient, to work for six Days, eight Hours in a Day.

Stat. 2 & 3 P. & M. cap. 8. Sect. 2.

— 5 Eliz. c. 3. Sect. 2.

— 18 Eliz. c. 16. Sect. 2, 3.

Quor. 1.

Ten Shillings for every Day, to be levied by Distress and Sale, and employ'd in the mending of *Highways*.

Cottagers not working themselves, or finding a sufficient Labourer.

Twelve-pence for every Day, to be levied, *ut supra*.

Stat.

A P P E N D I X

Offences.

Highways.

Penalties.

(Who to Work.)

Stat. 2 & 3 P. & M. cap. 8.

Sect. 2.

Quor. 1.

Labourers neglecting to work in the Highways.

Others, neglecting to send a Man and a Horse.

Others, neglecting to send a Cart with two Men.

Stat. 22 Car. 2. c. 12. Sect. 9.

Upon Surveyor's Complaint, and one Witness.

One Shilling and Six-pence.

Three Shillings.

Ten Shillings.

To be levied by Distress and Sale.

[Two] Or more Justices of the Peace for the County of *Middlesex*, at any Petty Sessions, or Special Sessions of the Peace, upon Application made to them, by any five of the Trustees for repairing the Highways between *Kilburn Bridge* in *Middlesex*, and *Sparrows-Herne* in *Hertford*, to adjudge and determine what Part and Portion of the Statute Work shall be done in the said Roads, by and in each Parish.

Stat. 8 Geo. 1. c. 9. Sect. 3.

See also Tit. Scavengers, Turnpikes and Westminster.

Hops.

[One] **T**O administer an Oath to every Officer, who shall be empowered to make a Charge on Hops, for the due and faithful Execution of his Office, and shall give to such Officer a Certificate thereof.

Stat. 9 Ann. c. 12. Sect. 12.

Horses.

[One] **T**O take the Oaths of two Witnesses to prove a stolen Horse to be the Owner's, and on the Buyer's Oath what he paid for the Horse, the Owner is to have him again, paying the Buyer: But this must be done in six Months after the Sale.

Stat. 31 Eliz. c. 12. Sect. 4.

[Two]

A P P E N D I X.

Offences.

Horses.

Penalties.

[Du. Sess.] Have Power to hear and determine all Offences against 32 H. 3. c. 13. for putting stoned Horses to feed upon Forests or Common Ground, above two Years old, and not fifteen Hands high, according to the Standard, and for refusing to measure them.

Stat. 32 H. 8. c. 13. Sect. 3.

See Tit. Cattle and fairs.

House of Correction.

[Du. Sess.] **T**O give Order for erecting Houses of Correction, and for Maintenance and Government of the same, and for the Punishment of Offenders committed thither; and to appoint Governors and their Salaries, which are to be paid Quarterly by the Treasurers.

Stat. 39 Eliz. c. 4. Sect. 1.

— 7 Jac. 1. c. 4. Sect. 6.

Governors of Houses of Correction, not yielding a true Account every Quarter-Sessions, of Persons committed, or suffering any to escape, or to be troublesome to the County by going abroad.

Stat. 7 Jac. 1. c. 4. Sect. 9.

Fineable, as Justices shall think fit.

See Tit. Gaol.

Houses. See **Widow's Duties.**

Hunting. See **Game.**

Informers.

[One] **U**PON Informations for Trespasses, Batteries, and other Misdemeanors, to take the Informer's Recognizance, in twenty Pounds. That he will prosecute with Effect, and abide by such Order as the Court shall direct.

Stat. 4 & 5 W. & M. c. 18. Sect. 2.

Ingrossers.

A P P E N D I X

Offences.

Journeyman Taylors.

Penalties.

Jugrossers. See *Joestallers and Jugrossers.*

Inn-keepers. See *Houses and Excise.*

Journeyman Taylors.

[Two] **A** Person brought up in, or using the Art or Mystery of a Taylor, in making up Mens or Womens Work in *London and Westminster*, or *Weekly Bills*, who shall keep up, continue, act in, make, enter into, sign, seal, or be knowingly interested or concerned in any Contract, Covenant, or Agreement, for advancing their Wages, or for lessening their usual Hours of Work.

One or more credible Witnesses.

Prosecution in three Months after the Offence.

Stat. 7 Geo. 1. cap. 13. Sect. 1.
Sect. 1.

To be committed either to the House of Correction, to hard Labour, not exceeding *two Months*, or to the Common Gaol, there to remain without Bail or Mainprize, not exceeding two Months, at the Discretion of the Justices before whom convicted.

See *New Mod. Cases*, p. 10, 11.

Journeyman Taylors, Servants and Apprentices to Taylors, and others, employed or retained as Taylors, in making up Mens or Womens Work within the Cities of *London and Westminster*, or *Weekly Bills of Mortality*, after the first of *May 1721*, to work from Six of the Clock in the Morning until Eight at Night. The Master to allow one Penny Half-penny a Day for Breakfast, and one Hour for Dinner. And for the Time or Hours of Work aforesaid, to pay them not exceeding *two Shillings per Diem*, from the 25th Day of *March* to the 24th Day of *June*. And for the Rest of the Year, one Shilling and Eight-pence per Diem.

Stat. 7 Geo. 1. c. 13. Sect. 1. Sect. 2.

Taylors or others, acting as such within the Limits aforesaid, hiring, retaining, or employing any Journeyman Taylor, or other Person, not being an Apprentice, to pay them after the *Rates aforesaid* for the full Time for which they hire them.

Ibid. Sect. 3.

Upon Complaint thereof, to summon before them the Party offending, and for Non-payment of the Wages

For Want of Distress, to commit the Party offending to the Common Gaol without Bail or Mainprize,

A P P E N D I X.

Offences.

Journeyman Taylors.

Penalties.

Wages directed by this Statute, to issue their Warrant for levying such Wages by Distress and Sale, &c.

Ibid. Sect. 4.

Journeyman Taylor, &c. departing from his Service before the End of the Term for which he is hired, or until the Work for which he was hired be finish'd; or not being retain'd or employ'd, shall refuse to work after Request made for that Purpose by any Master Taylor, for the Wages and Hours limited, unless some reasonable Cause to be allowed by two Justices. And being thereof convicted.

Ibid. Sect. 6.

Taylor, &c. within the Limits aforesaid, giving, allowing, or paying any more, or greater Wages than limited by this Statute or the Quarter-Sessions for the Hours of Work aforesaid, to any Journeyman Taylor, &c. being lawfully convicted.

Prosecution in three Months.

Ibid. Sect. 7.

Journeyman Taylors, &c. taking more or greater Wages for the Hours of Work aforesaid than limited by this Stat. or Qu. Sess.

Ibid. Sect. 7.

Note; All Wages, Pay or Allowances contrary to this Act or Order of Quarter-Sessions are null and void.

Ibid. Sect. 7.

This Act does not extend to Wages, or Allowances agreed upon for working before or after the Hours of Work limited, or to be limited,

Ibid. Sect. 8.

[Qu. Sess.] An Appeal lies to the next General Quarter-Sessions, giving six Days Notice, whose Judgment is final. And may award reasonable Costs to either Party, as to them shall seem just.

Ibid. Sect. 9.

prize, till Payment or Satisfaction made.

To be committed to the House of Correction to hard Labour not exceeding two Months.

Five Pounds. One Moiety to the Informer or Prosecutor.

The other to the Poor of the Parish where, &c.

To be sent to the House of Correction to hard Labour, not exceeding two Months.

Within

A P P E N D I X

Offences.

Journeyman Taylors.

Penalties.

Within the Limits aforesaid, upon Application to be made to them for that Purpose, may from Time to Time take into their Consideration the Plenty or Scarcity of the Times, &c. and alter the Wages and Hours of Work directed by this Statute. And may order and appoint what Wages and Allowances shall be paid or made to Journeyman Taylors, &c. and what Hours they shall work, which Rates and Alterations the Sessions must cause to be printed and published in fourteen Days next after such General Quarter-Sessions, at the reasonable Expence of the Persons desiring the same. And from and after Publication thereof, all Taylors and their Journeymen, &c. not observing the same, and being there- of convicted.

Ibid. Sect. 5.

Prosecution in six Days after Of- fence committed.

See now the Stat. 3 Geo. 2. and 4 Geo. 2. c. 7. both made perpetual by 6 Geo. 2. c. 37. Sect. 1.

Jurors.

[Au. Sess.] **T**O take the Return of the Constables and Head- boroughs, of their List of Names and Places of Abode, of Persons qualified to serve on Juries, between the Age of twenty- one and seventy; which they are to make at *Michaelmas* Sessions yearly, and to cause the Clerk of the Peace to deliver a Duplicate thereof to the Sheriff, before the first of *January* after, and to enter the same fairly in a Book.

Stat. 7 & 8 W. 3. c. 32. Sect. 4.

This was continued for eleven Years, &c. by Stat. 10 Ann. c. 14. But not to extend to Assizes or Gaol-Delivery.

The

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Offences.

The High Constable not issuing their Precepts to the Constables, to prepare their Lists of Persons to serve on Juries.

Stat. 3 & 4 Ann. c. 18. Sect. 5.

The Petty Constables not returning the List of Persons to serve on Juries.

Stat. 3 & 4 Ann. c. 18. Sect. 5.

Jurors.

Ten Pounds.

Five Pounds.

See Tit. Panels of Juries.

Penalties.

Note; All the Clauses relating to the Jurors and the Returns, and Service of Jurors, in the several Statutes of 4 & 5 W. & M. and 4 Ann. *supra*, were continued for seven Years, and to the End of the next Sessions. By Stat. 9 Geo. 1. c. 8. Sect. 2. But most of this is now altered, *viz.*

Note; Lists of Persons Qualified by Stat. 7 & 8 W. 3. and 3 & 4 Ann. are to be made from the Rate Books of each Parish, and twenty Days before Michaelmas yearly fix'd on the Church Doors, and Duplicates left with the Church-wardens or Overseers, to be perused by the Parishioners without Fee.

Stat. 3 Geo. 2. c. 25. Sect. 1.

[One] Constables, &c. are to give in and swear to the Truth of their Lists, according to the best of their Knowledge, &c. before a Justice, who is to sign the same, &c.

Ibid. Sect. 7.

Persons (directed to Return, give in, or make up such Lists, or concerned therein) wilfully omitting any who ought, or inserting any who ought not to be inserted, or taking Money or other Reward for omitting or inserting any Person.

Ibid. Sect. 2.

And the Justice is to certify the Conviction to the next General Quarter-Sessions.

Ibid.

Twenty Shillings for every one so omitted or inserted, on Confession or one Witness, one Half to the Informer, the other to the Poor; and if not paid in five Days, levied by Distress and Sale, &c.

[Qu. Sess.] Persons so inserted, and not Qualified, may appeal to Quarter-Sessions, who on the Party's Oath, or other Proof of his Disqualification,

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Offences.

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cation, may order his Name to be struck out of the List, or omitted in the Book kept by the Clerk of the Peace.

Ibid. Sect. 1, and Sect. 2.

When the Lists (so rectified) are so entered in the Clerk's Book, Duplicates thereof are, during the said Session, or within ten Days after to be transmitted to the Sheriff, in order to return Juries, who is to enter the Names Alphabetically in some Book to be kept by him for that Purpose.

Ibid. Sect. 2.

The Clerk of the Peace neglecting his Duty forfeits Twenty Pounds to the Informer; on Conviction at any General Quarter-Sessions of the County, Division or Precinct.

See further this Act touching the Returns of Jurors, which, as to *Middlesex*, was explained and amended by Stat. 4 Geo. 2. c. 7. and both of them further explained, and made perpetual

By Stat. 6 Geo. 2. c. 37.

Justices of Peace.

Justices have Power to arrest and chastise *Rioters* and *Barretors*, and other Offenders; and also to imprison and punish them according to Law, and by Discretion and good Advise; also to bind People of evil Fame to the Good Behaviour; to hear and determine Felonies and Trespases done in the same County, according to Law. And to impose Fines for Trespases, which must be reasonable and just.

Stat. 34 Eliz. c. 1.

Justices must keep their Sessions four Times in the Year, and by three Days, if need be, viz. in the first Week after *Michaelmas*, *Epiphany*, *Easter*, and the Translation of St. Thomas the Martyr, viz. *Bicker*, being the 7th of July. And oftner if need require.

Stat. 12 R. 2. c. 10.

— 2 H. 5.

Justices of Peace of *Middlesex* are not compellable to keep their Sessions above twice in the Year, notwithstanding the Stat. 12 R. 2. c. 10. yet they may keep them oftner at their Discretion.

Stat. 14 H. 6.

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Offences.

Justices of Peace.

Penalties.

None (except Men learned in the Law, or inhabiting Corporations) to be Justices, unless their Lands be worth Twenty Pounds *per Annum*.
Stat. 18 H. 6. 11.

If any be put into the Commission, not having Lands, *ut supra*, and do not within one Month after Notice thereof acquaint the Lord Chancellor therewith, or do fit or make any Warrant by Force of such Commission.

Ibid.

Forfeits twenty Pounds.
To be divided betwixt the King and the Prosecutor.

Justices must certify Recognizances to the next General or Quarter-Sessions, where, if the Party bound, being called, do not appear, the Recognizance must be certified into the *Chancery, King's Bench, or Exchequer*.

Stat. 3 H. 7. c. 1.

A New Commission of the Peace, or Gaol-Delivery of the whole County, does not supersede a Commission granted to a City or Town Corporate.

Stat. 2 & 3 P. & M. 18.

A Justice of Peace for a County at large, dwelling in a City or other Precinct, which is a County of itself, (though not within the County at large) may grant Warrants, take Examinations, make Orders, &c. at his Dwelling-house, though it be out of the County where he is authorized to act; yet so as he do not intermeddle in Matters arising in such City or Precinct.

Stat. 9 Geo. 1. c. 7. Sect. 3.

Justices of Peace, by Virtue of a Commission from his late Majesty, or his present Majesty, granted before 13 Feb. 1727. taking the Oath of a Justice before 28 of November 1728. are indemnified for all Acts done by them as Justices, though such Oath of Office was not taken within the Time required by Law.

Stat. 1 Geo. 2. c. 23. Sect. 5.

And such Justices as qualified themselves before the said 13 Feb. and since 11 Junii 1727. are not obliged to qualify themselves again.

Ibid. Sect. 6.

None to be or act as a Justice of Peace for any County in Great Britain, who has not an Estate Freehold or Copyhold to his own Use in Possession for Life, or a greater Estate, either in Law or Equity; or an Estate for Years determinable on one

Persons not so qualified, accepting the Office, or doing any Act therein, forfeit 100 l. one Moiety to the King, and the other to him that sues at Westminster. And no *Essoin*, &c.
Sect. 3.

A P P E N D I X

Offences.

Justices of Peace.

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or more Life or Lives, or for a certain Term originally created for twenty-one Years or more, in Lands, Tenements or Hereditaments within England or Wales, of the clear yearly Value of 100*l.* above all Incumbrances.

Stat. 5 Geo. 2. c. 18. Sect. 1.

And no Attorney, Solicitor or Proctor in any Court whatsoever, shall be capable to continue a Justice of Peace while he continues in the Business and Practice of an Attorney, &c.

Ibid. Sect. 2.

This Act not to extend to Cities or Towns Counties of themselves, nor to any other City; Town; Cinque Port or Liberty, having Justices within their Precincts, either by Charter or otherwise. *Ibid.* Sect. 4.

Nor to the eldest Sons of Peers; or Knights of Shires. Sect. 5.

Nor to the Officers of the Board of Green Cloth, within the Verge; nor to the Commissioners and principal Officers of the Navy, or the two Under Secretaries of State, in such Maritime Counties and Places where they have usually been Justices. Sect. 6.

Nor to the Heads of Colleges and Halls in either University within Oxfordshire, Berkshire, and Cambridgeshire, &c. respectively. Sect. 7.

On all Appeals to the Justices of Peace at their General or Quarter-Sessions against Judgments or Orders by any such Justices, the said Sessions are to cause any Defect of Form in such Judgments or Orders, to be rectified and amended without any Costs or Charge to the Parties; and then to hear and examine the Truth and Merits of all Matters concerning such Judgments or Orders; and examine all Witnesses on Oath, and hear all Proofs relating thereto, and make such Determination thereon as by Law they should or ought to have done, in Case there had been no such Defect, &c. in the original Proceedings.

Stat. 5 Geo. 2. c. 19. Sect. 1.

And no *Certiorari* is to be allowed to remove such Judgments or Orders, unless he that prosecutes it shall, before tis allowed, enter into a Recognizance with sufficient Sureties, before one or more Justices of Peace of that County or Place, or at the General or Quarter-Sessions where the Judgment or Order was, or a Judge of B. R. in Fifty Pounds to prosecute at their own Costs with Effect; and to pay within one Month after the Order confirmed the Party's full Costs; to be Taxed according to the Course of such Court. And on Refusal of any of the said Conditions, the Justices may proceed.

Ibid. Sect. 3.

A P P E N D I X

Offences. Justices of Peace. Penalties.

Such Recognizances so taken, to be certified into B. R. and there filed with the *Certiorari* and Order so removed: And if the Costs are not paid within ten Days after Demand, an Attachment to issue.

Ibid. Sect. 3.

See also Tit. **Scavenger and Stamp-Duty.**

Keels.

[One] Persons removing or altering the Marks of

Keels, Boats, &c.

Stat. 6 & 7 W. 3. c. 10. Sect. 7.

One Witness.

Ten Pounds, to be levied by Distress and Sale; for Default, three Months Imprisonment.

The Penalty between the King and the Discoverer.

Knights of the Shire. See Wages.

Labourers. See Tit. Servants and Wages.

Lamps.

[Two] To approve the Distances which one Lamp is to be set from another.

Stat. 2 W. & M. c. 8. Sect. 15.

See **Lights.**

Leather.

[Qu. Sect.] THE Mayor and Aldermen of London, to chuse and swear eight expert Men out of some of the four Companies of Shoemakers, Curriers, Girdlers,

Forty Shillings, to be divided between the King and Prosecutor.

A P P E N D I X

Offences.

Leather.

Penalties.

Girdlers, and Saddlers, to be Searchers and Sealers of all tanned Leather there, whereof one to be assigned to keep the Seal.

Stat. 1 Jac. 1. c. 22. Sect. 31.

Head Officers in Corporate and Market Towns, and Lords of Liberties, to appoint and swear yearly two, three, or more honest and skilful Men to be Searchers and Sealers of Leather.

Ibid. Sect. 32.

The Mayor of London, and the Head Officer, or Lord aforesaid, to appoint six Triers of insufficient Leather and Leather-Wares.

Ibid. Sect. 35.

Triers not doing their Duty without Delay.

Ibid. Sect. 35.

A Trier in London continuing two Years together.

Ibid. Sect. 36.

Searcher or Sealer refusing in convenient Time to do his Office, or allowing insufficient Wares.

Ibid. Sect. 37.

Searchers or Sealers taking Bribes, or exacting more than due Fees.

Ibid. Sect. 37.

Searcher or Sealer being lawfully elected, and refusing the Office.

Ibid. Sect. 37.

Forty Shillings to be divided, *ut supra.*

Five Pounds to be divided, *ut supra.*

Five Pounds to be divided, *ut supra.*

Incapable of being chosen for three Years after, on Pain to forfeit for every Month he continues otherwise in that Office Ten Pounds, to be divided in Thirds. One to the King, one to the Prosecutor, and the other to the City, Borough, Town or Lord of the Liberty where the Offence is committed.

Forty Shillings to be divided in Thirds, *ut supra.*

Twenty Pounds to be divided in Thirds, *ut supra.*

Ten Pounds to be divided in Thirds, *ut supra.*

Ten Pounds to be divided in Thirds, *ut supra.*

Ten Pounds to be divided in Thirds, *ut supra.*

Ten Pounds to be divided in Thirds, *ut supra.*

Ten Pounds to be divided in Thirds, *ut supra.*

Ten Pounds to be divided in Thirds, *ut supra.*

Ten Pounds to be divided in Thirds, *ut supra.*

Ten Pounds to be divided in Thirds, *ut supra.*

Ten Pounds to be divided in Thirds, *ut supra.*

Selling

[1 2]

Forfeited

A P P E N D I X

Offences.

Leather.

Penalties.

Selling tann'd Leather in London before it is searched and sealed.

Ibid. Sect. 39.

Withstanding the Searchers and Sealers in the Execution of their Office, or their Seising insufficient Wares.

Ibid. Sect. 40.

Persons selling any tann'd Leather (red or unwrought) before it is registred.

Ibid. Sect. 42.

Persons buying any tann'd Leather before it be searched and seal'd; or carrying it out of the Fair or Market before it be registred.

Ibid. Sect. 44.

Artificers in London using tann'd and curried Leather, putting into his Wares Leather insufficiently tanned or curried.

Ibid. Sect. 44.

Such Artificers selling any where but in open Shop, Fair or Market, where due Search may be had.

Ibid. Sect. 45.

Buying forfeited Wares to sell again.

Ibid. Sect. 47.

Note; The Stat. 1 Jac. 1. c. 22. is not to prejudice the Authority of the Universities, so as their Officers observe the Provision of the same; and Hides or Skins of Ox, Steer, Bull, Cow, Calf, Deer, Goats, and Sheep, being tanned or tawed, and salt Hides are reputed Leather within this Act.

See Tit. Currier, Shoemaker, and Tanner.

Forfeited, or the Value thereof, to be divided in Thirds, *ut supra*.

Five Pounds to be divided in Thirds, *ut supra*.

The Value thereof to be divided in Thirds, *ut supra*.

The same, or the Value thereof to be divided in Thirds, *ut supra*.

The Wares, and the just Value, to be divided in Thirds, *ut supra*.

The Wares, and ten Shillings for every Offence, to be divided in Thirds, *ut supra*.

Three Shillings and four Pence for every Parcel, to be divided in Thirds, *ut supra*.

Lent. See flesh.

Lights.

A P P E N D I X

Lights.

Offences.

[One] **H**ouse-keepers, within the *Weekly Bill of Mortality*, whose Houses adjoin to or near the Street, from *Michaelmas* to *Lady-Day*, not hanging out Lights every Night from the Time it is dark, till twelve at Night, or paying to the Lamps.

Stat. 2 W. & M. c. 8. Sect. 15.
View, Confession, or one Witness.

Linen and Hempen Manufacture.

Lord's Day.

Two Shillings every Default, to be levied and employ'd as the Penalties for not sweeping the Streets.

See Lamps.

See Cloth, &c.

See Sunday.

Lotteries.

[Two] **A**fter the 1 Dec. 1721. every Person who shall erect, set up, continue, or keep any Office or Place under the Denomination of Sales of Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods or other Things, for the Improvement of small Sums of Money, or shall sell or expose to Sale any Houses, &c. by way of Lottery, or by Lots, Tickets, Numbers, or Figures; or who shall make, print, advertise or publish, or cause to be made, advertised, or published Proposals or Schemes for advancing small Sums of Money by several Persons, amounting in the whole to large Sums, to be divided amongst them by the Chances of the Prizes in some publick Lottery or Lotteries, or shall deliver out, or cause, or procure to be delivered out Tickets

500 l. (for every such Offence) over and above any former Penalties inflicted by any former Act or Acts.

One Third to his Majesty, one other to the Informer, and the remaining Third to the Poor of the Parish, where the Offence is committed.

To be levied by Distress and Sale; or committed to the County Gaol, without Bail for one whole Year, and from thence till full Payment be made of the 500 l. forfeited as aforesaid.

Conviction by one or more credible Witnesses.

But Appeal lies to the next Quarter-Sessions, whose Judgment is final.
Stat. 8 Geo. 1. c. 2. Sect. 36.

A P P E N D I X

Offences.

Lotteries.

Penalties.

Tickets to Persons advancing such Sums, to entitle them to a Share of the Money so advanced, according to such Proposals or Schemes; or shall make, print, or publish, or cause to be made, &c. any Proposal or Scheme of the like Nature, under any Denomination or Title whatsoever.

Persons who by Authority of any Foreign Prince, State, &c. shall erect or keep, or cause, &c. any Lottery, or Undertaking in Nature thereof, or print or publish any Proposal or Scheme for any such Lottery or Undertaking; or within this Kingdom sell or dispose of any Ticket therein.

Stat. 9 Geo. 1. c. 19. Sect. 4.

On Conviction of any such Offence by one Witness, before two Justices 200 l. (besides former Penalties) one Third to the King, another to the Informer, and another to the Poor of the Parish. Leviable by Distress and Sale, also commitment for one Year, without Bail, and till the year is paid.

But Appeal lies to the Quarter-Sessions, whose Judgment is to be final.

Ibid. Sect. 5.

Lunatics.

MAY by their Warrant directed to the Constable, Church-wardens and Overseers of the Poor, of the County or Place where Lunatics or mad Persons shall be found, cause such Lunatics and Persons furiously mad to be lock'd up, and, if necessary, chain'd &c. (but not whipp'd) during their Lunacy, &c. and charge their Estate (if any) for their Maintenance; or (if none) provided for as the Poor of the Parish.

12 Ann. Sect. 2. c. 23. Sect. 22.

Malt.

A P P E N D I X

Malt. See Excise.

Offences.

[One] **C**onstable may search for Malt which is faulty or mingled, and being found, may with the Advice of a Justice of Peace make Sale thereof. The Prosecution must be within a Year, and not to be against Persons who make their own Malt.

Stat. 2 & 3 Ed. 6. c. 10. Sect. 10.

Persons disobeying the Restraint put upon Malsters, and Buyers of Barley, for making Malt, by the Justices in their Sessions.

Stat. 39 Eliz. c. 16. Sect. 1.

Note ; This extends not to such as have Barley of their own growing, Tithe-Corn or Rent-Corn, but they may make Malt.

[Du. Sess.] Every Person employing less Time in making and drying of Malt (except in *June*, *July* and *August*) than three Weeks, and in those Months less than seventeen Days ; and putting to Sale Malt mingled of good and bad.

Stat. 2 & 3 Ed. 6. c. 10. Sect. 2.

Putting any Malt to Sale before (by treading, rubbing and fanning it) he shall have taken out of every Quarter Half a Peck of Dust or more.

Stat. 2 & 3 Ed. 6. c. 10. Sect. 3.

May restrain the superfluous Number of Malsters, and Buyers of Barley to be converted into Malt.

Stat. 39 Eliz. c. 16. Sect. 1.

See Tit. Excise.

Malt entered and made for *Exportation* only (as the Act directs) not to be charged with any of the Duties imposed on Malt made in *Great Britain*; and no Drawback to be allowed on any Malt exported.

Stat. 13 Geo. 1. c. 4. Sect. 47.

Penalties.

Three Days Imprisonment without Bail, and there to remain till they enter into a Recognizance of Forty Pounds to obey the said Restraint.

Two Shillings for every Quarter, To be divided between the King and Prosecutor.

Twenty Pence for every Quarter, to be divided, *ut supra*.

A P P E N D I X

Offences.

Malt.

Penalties.

See the late annual Excise Statutes for continuing the Duties on Malt, Mum, Cyder, &c. all which are to be raised, &c. by the Laws of *Excise*. See Stat. 6 Geo. 2. c. 1. Sect. 3. to 13. the Excise thereof extended to *Scotland*. And see there Sect. 13. the Allowance to be made on Exporting Malt.

Makers of Malt for *Exportation*, are, before they begin to steep it, to leave Notice in Writing of the Quantities intended to be made, &c. which shall be kept separate from what is intended for home Consumption.

Stat. 13 Geo. 1. c. 4. Sect. 48. and 6 Geo. 2. c. 1. Sect. 15.

Maltsters shall not begin to wet any Grain to make into Malt for *Exportation*, for above six Days before the Corn, &c. intended for home Consumption be dried off; nor wet any Grain for home Consumption above six Days before the Malt for *Exportation* be dried and locked up, *ut infra*.

Ibid. Sect. 49.

Notice in Writing is to be given by the *Exporter* to the Port-Officer, of the Day, and Hour when the putting such Malt on Board is to be begun, and of the Ship's Name, &c. Sect. 56.

If such Malt be not exported within nine Months after made and put into Rooms or Store-houses, *ut infra*.

Ibid. Sect. 56.

Maltsters (other than Compounders for the Duties) not to mix their Corn or Grain of one wetting or steeping, or any Part thereof, or of their Couches or Floors, with Corn or Grain of a former wetting or steeping before it be put on the Kiln for drying.

Stat. 2 Geo. 2. c. 1. Sect. 11, 12.

Five Shillings for every Bushel found mixed with what is intended for home Consumption.

Five Shillings for every Bushel so wet, &c.

Five Shillings for every Bushel put on Board without such Notice.

Ibid.

Five Shillings for every Bushel.

Five Shillings for every Bushel so mixed, &c. recoverable by any Law of *Excise*. One Moiety to the King, the other to the Informer. See *Excise, ante*, and the several late annual Statutes of *Excise*.

Malt

Not

A P P E N D I X

Offences.

Malt.

Penalties.

Malt for *Exportation* when fully dried, &c. shall in Presence of the Officer where made, be measured, and carried thence directly on Ship-board, or into Store-houses or Rooms provided by the Maker, and there kept from other Malt under two Locks and Keys, one to be kept by the Officer, &c.

Stat. 12 Geo. 1. c. 4. Sect. 50.

The said Officers may gage such Malt in all its Operations, till it be fully dried, &c. and on Notice are to attend at Store-houses, &c. on the Delivery out of Malt for *Exportation*; as also to keep an Account thereof, and give out Certificates, &c.

Ibid. Sect. 51, 52 and 53.

The Port-Officers are to attend the Measuring of Malt, and to continue on board till the Ship be cleared.

Ibid. Sect. 54.

The Hatches of the Ship are to be lock'd down when it is not loading, &c.

Ibid. Sect. 55.

Masters to give Notice in Writing to some Officer of the Malt-Duties, or at the next Excise-Office where the Journal is kept, of the Hour they intend to take any Malt off the Kiln; that so the Officer may attend the Measuring, &c.

Stat. 6 Geo. 2. c. 1. Sect. 16.

Malt after so measured, so be immediately carried on Ship-board, if intended for *Exportation*, or immediately locked up in some Store-house, &c. of the Master, and in Presence of the Officer.

Ibid.

Not entering such Corn as *supra*, or not providing Rooms or Store-houses with Locks, &c. or not giving Notice, or not causing it to be measured and lock'd up within six Days after 'tis dried, forfeits Fifty Pounds.

Ibid. Sect. 57.

Opposing and hindring an Officer forfeits Fifty Pounds.

Breaking open the Hatches after lock'd down, Fifty Pounds.

Fifty Pounds.

Fifty Pounds.

Masters

A P P E N D I X

Offences.

Malt.

Penalties.

Maltsters, or others with their Privy, who after Malt is so lock'd up, shall open any Lock or Door, or make any Entrance into such Store-house, or remove any Part of a Partition, or any Malt so lock'd up without the Consent of, or Notice to some Malt-Officer, &c.

Ibid. Sect. 16.

Maltsters after 24 June, to clear out of their Warehouses, &c. all Malt within nine Months after clearing, and so toties quoties.

Ibid. Sect. 18, 19.

Note ; All the Penalties *supra*, are to be levied and distributed according to the Laws of Excise.

See the Statute.

Note also ; If Malt after Ship'd to be Exported, shall be Relanded in any Part of Great Britain, forfeits (besides the Penalty of the Bond).

Stat. 6 Geo. 2. c. 1. Sect. 15. *ad Finem.*

Breaking open the Hatches after Malt is so lock'd up, &c.

Penalties.

One hundred Pounds, or less, at the Discretion of the Court, for every Offence of the kind aforesaid, shall be levied, and the same shall be paid to the Malt-Officer, who shall be the Officer, &c.

Fifty Pounds.

The said Offence may be committed by any Person, who shall be found to have committed the same, &c.

All the Malt relanded, and treble the Value ; One Half to the King and the other to the Informer.

The Malt so relanded, shall be liable to the same Penalties as if it were so lock'd up, &c.

Marshalsea. See Tit. Rates, in Tit. 1900.

Mats. See Tit. Duties.

Master and Mistress. See Tit. Servants and Apprentices.

Mats.

[Four] **T**O license Persons to make Mats, Coverlets, and Dornicks, in Norwich or Norfolk. If a Reward be taken for such Licence, the Forfeiture is Five Pounds.

Stat. 5 & 6 Ed. 6. c. 24. Sect. 15.

[Qu. Scff.] Making any Mats, Dornicks, or Coverlets, in Norfolk, &c.

Every six Felts ten Shillings, & every Coverlet three Shillings four Pence.

A P P E N D I X

Offences.	Days.	Penalties.
<i>folk.</i> Without Licence, except in a Corporate Town.		Pence, every six Yards of Dornicks six Shillings eight Pence.
Stat. 5 & 6 Ed. 6. c. 24. Sect. 3.		Not to extend to <i>Pulham</i> in <i>Norfolk</i> .
	See Tit. <i>Excise</i> .	
Head-makers.		
	See Tit. <i>Weights</i> .	

Money.

[One] **T**O hear and determine, upon Oath, whether any Piece of Money cut be counterfeit or not.

Stat. 9 & 10 W. 3. c. 27. Sect. 1.

See Tit. *Coin*.

Mint.

THE Stat. 9 Geo. 1. c. 28. *impowering Justices of the County of Surrey to act in certain Cases for suppressing Riots and Tumults, &c. within the Place commonly called the Mint; it may seem not wholly improper to insert, under this Title, a brief Abstract of so much of the said Act, as concerns the said Justices.*

[One] On Complaint by any, having a legal Writ, and Affidavit made before one Justice, That Fifty Pounds is owing to him by a Person he knows or believes to be in the Mint.

If the Sheriff, Bailiff, or Officer, neglect or refuse on such Warrant, with such Power, &c. to use his best Endeavours for executing such Process, Execution, or Extent, he forfeits 200 l. to the Plaintiff, recoverable by Action of Debt or Case, &c.

[Three] Justices of the County of Surrey may, in their Discretion, issue their Warrant to the Sheriff there, or the Bailiff, &c. of *Southwark*, requiring them under the Penalty *infra*, to raise the *Posse Com* or other Power, and enter the *Mint*, and arrest; and in Case of Resistance or Refusal, break open any Door to arrest such Person on Mesne Process, &c. or seize Goods on an Execution or Extent.

Stat. 9 Geo. 1. c. 28. Sect. 2.

And

A P P E N D I X

Offences.

Mint.

Penalties.

And resisting or opposing *there* any Officer of Justice, or such as aid him in executing any Writ, Escape Warrant, or other Justice's Warrant, or any legal Process, Execution, or Extent; or rescuing any Prisoner taken thereon, or knowingly harbouring or concealing such Prisoner, or any who rescued him, or who abetted or aided in such Resistance or Rescue. Or exercising any unlawful Jurisdiction *there*, or making or executing (or joining therein) of any Rule, Order, &c. for supporting any pretended Privilege *there*; or opposing, or hindring the Execution of any legal Process or Warrant, or Rule, Order or Decree of any Court.

Ibid. Sect. 2.

Persons *there*, wearing Vizards or Masks, or having their Faces or Bodies disguised, joining in or aiding, or abetting any Riot or Tumult *there*, or knowingly and willingly opposing the Execution of any legal Process, Order, or Warrant; or assaulting and abusing any Person serving or executing the same, or for having so done.

Ibid. Sect. 3.

All who knowingly harbour or conceal any such disguised Person, &c.

Ibid. Sect. 3.

Note; A Reward of Forty Pounds is given to any who shall apprehend and convict one guilty of any the Offences before mentioned, payable by the Sheriff of *Surrey*, without any Deduction or Fee, within one Month after the Conviction, and a Demand made by tendering a Certificate thereof, under the Judge of the Justice's Hands, before whom convicted; who in Cases of Dispute, may in the Certificate, proportion the Shares payable to the said Parties.

Ibid. Sect. 4.

The Sheriff making Default of Payment.

Ibid. Sect. 4.

And thereof convicted on Indictment or Information brought or filed within six Months after any of the said Offences, he shall be adjudged guilty of Felony, and transported, &c.

On Conviction thereof, to be adjudged guilty of Felony, without Benefit of Clergy.

On Conviction, Guilty of Felony, and to be transported.

Forfeits double the Sum to the Party, recoverable by Action.

[Two]

A P P E N D I X

Offences.

1033. 730. 1031.

Penalties.

[Two] If any Person be killed by such Offender, in endeavouring to apprehend him, the Executors or Administrators of the Deceased, on the Certificate of a Judge of Assize, or two next Justices, of such Person's being so killed, (which Certificate the said Judge or two Justices, on Proof of the Fact are immediately to give *gratis*) shall receive Forty Pounds from the Sheriff of the County where the Fact was done.

Ibid. Sect. 5.

The Sheriff on Non-payment, Forfeits Eighty Pounds.
 &c.

Ibid. Sect. 5.

Any Apprehender or Prosecutor, *ut supra*, guilty of, and not in Prison for any of the said Offences, and convicting two or more of any of the said Offences, shall not only have the said Forty Pounds, but also be pardoned.

Ibid. Sect. 8.

Murder.

[Qu. Sect.] I N Case of Murder, may enquire of Escapes, and certify them into the King's Bench.

Stat. 3 H. 7. c. 1. Sect. 21.

Pets. See Tit. Fifth and Game.

New Parishes, &c.

[One] **N**OTE; the several Statutes 2 Geo. 2. c. 10, &c. 30. for making *Spittle-Fields* and *Wapping-Stepney* distinct Parishes, &c. are the same, *Mutatis, Mutandis*, only the Rector of *Spittle-Fields* is to be paid 125 l. *per Ann.* and the Rector of *Wapping* 100 l. *per Ann.* both without Deduction. *Ibid.* Sect. 4. And on Default of Payment, the several Rectors may sue the Church-wardens by Action of Debt at *Westminster*. *Ibid.* Sect. 5. Or complain to one or more Justices of *Middlesex*, who on Oath of the Arrears due, may order the said Church-wardens to appear (within four Days after) and cause the Sum and Charges to be levied by Distress, &c. *Ibid.* Sect. 6. And if no Distress be found, the succeeding

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Offences.

New Partises, &c.

Penalties.

ing Church-wardens are liable to Action or Distress in like Manner, so as such Arrears do not exceed 100 l. and such Action or Complaint be within three Months after such Successor's Entering into Office.

Ibid. Sect. 7.

Norwich Stuffs.

[One] **T**O convict Counterfeits of the Seal for Norwich Stuffs, or sealing them with a counterfeit Seal, or removing the Seal from one Piece to another.

Stat. 13 & 14 Car. 2. c. 5. Sect.

14.

— Confession or two Witnesses.

Buyers of Stuffs unsealed, and they in whose Possession they are found, other than the first Owner or Maker, and the Maker or Seller delivering them unseal'd.

Stat. 13 & 14 Car. 2. c. 5. Sect.

13.

Two Witnesses.

Weavers weaving without their proper Mark at the Head of the Piece.

Stat. 13 & 14 Car. 2. c. 5. Sect.

16.

Persons refusing to appear on any Jury to be returned, by Virtue of the Stat. 13 & 14 Car. 2. c. 5. Sect.

20.

Twenty Pounds.

Four Shillings for the Poor of the Trade, to be levied by Distress, &c.

Three Shillings to be levied and disposed, *ut supra*.

Five Shillings to be levied and disposed, *ut supra*.

[Two] Two Justices of the County of Norfolk shall join with the Mayor and one Justice of the City of Norwich, in taking the Account of the Wardens of the Weavers of Norwich Stuffs Quarterly, and applying one Half of the Fines and Forfeitures for the Poor of the said Trade.

Stat. 13 & 14 Car. 2. c. 5. Sect. 22.

[Three] Three Justices of the County of Norfolk, with the Mayor of Norwich, and two Justices of the City, to confirm By-Laws made by the

Wardens

A P P E N D I X

Offences. Norwich Stuffs. Penalties.

Wardens and Assistants there chosen, for the regulating the making of **Norwich Stuffs.**

Stat. 13 & 14 Car. 2. c. 5. Sect. 3.

Quor. v.

Oath.

[One] **I** F any, who maintain that the taking of an Oath in any Case whatsoever is unlawful, do refuse to take an Oath, where by Law they are bound; or do endeavour to persuade others to refuse; or maintain that the taking an Oath in any Case whatsoever is unlawful.

Stat. 13 & 14 Car. 2. cap. 1. Sect. 2.

To be committed to Gaol, or be bound over with Sureties to the Quarter-Sessions, in order to Conviction.

Note: Quakers are exempted from the Penalties of this Act, per

Stat. 1 W. & M. c. 18. Sect. 13.

See Tit. Quakers.

[Two] In Default of Justices, in Corporations, two Justices of the County are to administer the Oaths required to be taken by Officers in Corporations.

Stat. 13 Car. 2. c. 1. Sect. 10.

Two next Justices, *Quorum unus*, to administer an Oath to the Sheriff or Returning Officer, upon his delivering over to the Clerk of the Peace the Poll-Books of the Election of Knights of the Shire, within twenty Days after the Election, That he has delivered over all the said Books without Imbecillment or Alteration. Or where there are more Clerks of the Peace than one, the Original Books to one, and attested Copies to the Rest.

10 Ann. c. 23. Sect. 5.

[Qu. Sess.] To discharge Persons certified by two Justices to have refused to take the Oath, and subscribe the Declaration, upon their doing it in open Sessions.

Stat. 1 W. & M. c. 15. Sect. 8.

See

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Offences.

Oaths.

Penalties.

See the Stat. 2 Geo. 2. for indemnifying such as have omitted to qualify themselves by taking the Oaths within the Time limited, and allowing them further Time; and for repealing so much of the Stat. 1 Geo. 1. as requires them to qualify themselves within three Months; and for limiting other Times: As also for repealing so much of the Stat. 30 Car. 2. as relates to the sworn Servants of the King or Queen.

Stat. 2 Geo. 2. c. 31.

And Note; the several Statutes 9 Geo. 1. c. 18. and c. 24. and 10 Geo. 1. c. 4. for Papists and reputed Papists, taking the Oaths, &c. on that Occasion, seem to be expired.

Oath of Allegiance, &c. See Tit. Papist, post [100]

Oaths. See May. moved [100]

Officers and Soldiers. See Statute of Mutiny and Desertion;

Officers and Soldiers.

[One] **W**ithin forty-eight Hours after any Muster made; (where the Mayor, Chief Magistrate, or other Officer, to whom Notice was given to be present at such Muster, shall not have attended) to swear the Commissary or Muster-Master, who must then produce the Muster-Roll to be examined by the Justice, who must sign the same, if there be no sufficient Objection thereto.

Stat. 9 Geo. 2. c. 2. Sect. 11.

Muster-Masters, not giving such Notice, or refusing the Assistance of such Mayor, Chief Magistrate, &c.

Ibid. Sect. 11.

Any Person, that shall be falsely mustered, or offer himself falsely or deceitfully to be mustered.

Two Witnesses before the next Justice, and Certificate under the Hand of the Commissary of the Musters, or chief Magistrate.

Ibid. Sect. 12.

Forfeit Fifty Pounds.

To be committed to the House of Correction for ten Days.

A P P E N D I X

Offences. Officers and Soldiers. Penalties.

Any Person, who shall lend or furnish any Horse to be mustered, which shall not truly belong to the Trooper or Troop so mustered, to Two Witnesses before the next Justice.

Ibid. Sect. 12 & 13.

The Horse so falsely mustered is forfeited to the Informer, if it belongs to the Person lending, if not, the Person lending forfeits twenty Pounds to the Informer.

To be levied immediately out of the Officers Pay, by Order of the Court Martial; or Commitment to Gaol for six Months.

In Default or Absence of Constables, Tithingmen, &c. to quarter and billet Officers and Soldiers in Inns, Livery-Stables, Alehouses, Victualling-houses, all Houses of Persons selling Brandy, Strong Waters, and Cyder or Metheglin by Retail, except Distillers and private Houses.

Ibid. Sect. 18.

Persons aggrieved by Constables, &c. quartering a greater Number of Soldiers, than they ought to bear in Proportion to their Neighbours, on Complaint one Justice may order such and so many of the Soldiers to be removed, and quartered upon such Person, as he shall see Cause, who is obliged to receive such Soldiers.

Ibid. Sect. 18.

See *infra* Sect. 53.

Note; No Justice having any Military Office, is to be concerned in Billeting Soldiers. *Ibid.* Sect. 19. And see *Ibid.* Sect. 21. Officers taking Money to excuse the Quartering of Soldiers, are to be cashiered.

To order Constables by Warrant to provide Carriages with able Men to drive the same for Soldiers in their Marches.

Ibid. Sect. 30.

Note; Officers are to pay down in Hand to Constables, for the Use of the Person providing such Carriages and Men, One Shilling for every Mile any Waggon with five Horses shall travel; One Shilling for every Wain with six Oxen, or four Oxen and two Horses, and Nine Pence for every Cart with four Horses, and in Proportion for less Carriages.

Ibid. Sect. 30.

And no Carriage is to carry above twenty hundred Weight.

Ibid. Sect. 33.

Constables, &c. who shall quarter any of the Wives, Children, or Maid Servants of Officers and Soldiers against the Owner's Consent.

Ibid. Sect. 35.

Twenty Shillings to the Party griev'd.

To be levied by Distress, &c.

A P P E N D I X

Offences.

Officers and Soldiers.

Penalties.

Officers and Soldiers without Leave of the Lord of the Manor under Hand and Seal, killing, taking, or destroying any Hare, Coney, Pheasant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fish, or his Majesty's Game. *Ibid.* Sect. 36.

Ibid. Sect. 36.

For cause of *awarding* Soldiers suspected of *Desertion* to be apprehended, and to examine them. And if by Confession, Oath of the Witness, or Knowledge of the Justice, he is found a listed Soldier, and ought to be with his Company. *Ibid.* Sect. 38.

Note; There is a Reward of twenty Shillings for Apprehending a Deserter, to be paid (by a Justice's Warrant) by the Collectors of the Land-Tax where apprehended.

Ibid. Sect. 39.

Persons harbouring or concealing Deserters knowingly, or buying, exchanging or otherwise receiving from any Soldier or Deserter Arms, Cloths, Caps or other Furniture belonging to the King, or causing the Colour of their Clothes to be changed. *Ibid.* Sect. 40.

Commission Officer forcibly entering into, or breaking open the Dwelling or Outhouses of any Person, to search for Deserters, not having one or more Justice's Warrant. *Ibid.* Sect. 41.

High Constables and Beadles, &c. who shall receive, demand, contract or agree for any Sum of Money, or any Reward whatsoever to excuse any from quartering Soldiers; or Vic-

tuals

If an Officer, he forfeits five Pounds to the Poor, where, &c.

And twenty Shillings every Soldier, to be paid by the Officer commanding in Chief to Constable or Overseer of the Poor, in two Days after Demand, on Forfeiture of his Commission.

To convey him to the Gaol of the County or Place, and transmit an Account thereof to the Secretary at War for the Time being. *Ibid.*

And Note; Deserters beyond Sea may be tried here or in Ireland. *Ibid.* Sect. 43.

Forfeit five Pounds, to be levied by Distress, &c.

One Moiety to the Informer, by whose Means such Deserter was apprehended.

The other to the Officer, to whom he belonged.

Forfeits twenty Pounds.

Not less than forty Shillings, or above five Pounds for every Offence.

To be levied by Distress and Sale, by Warrant directed to some other Constable of that County or Over-

seer,

A P P E N D I X

Offences. Duties and Soldiers. Penalties.

Quarters refusing Soldiers quartered or billeted upon them, fees, where the Offence is committed, to be paid to the Overseers for the Use of the Poor.

Confession, or one Witness.

Ibid. Sect. 53.

May require and command, by Warrant or Order under Hand and Seal, High Constables, &c. who shall quarter or billet Soldiers, to give an Account in Writing of the Number of Officers and Soldiers quarter'd or billeted by them, and on whom, with the Streets and Signs where, the better to punish Abuses in Billeting.

Ibid. Sect. 54.

[Two] Military Officers quartering Soldiers otherwise, than is limited and allowed by the said Acts, or shall use or offer any Menace or Compulsion to any Mayors, Constables, &c. tending to deter them from performing their Duty, being thereof convicted on Oath of two Witnesses, are deemed *ipso facto* cashiered and disabled to have any military Employment in the Kingdom, provided such Conviction be affirmed at the next Quarter-Sessions, and a Certificate transmitted to the Judge Advocate, and by him to the Court Martial.

Ibid. Sect. 18.

No Commissary to muster any Regiment, Troop or Company in *Westminster* and *Southwark*, or their Liberties, but in Presence of two or more Justices (not Officers) unless such Justices on forty-eight Hours Notice to six Justices residing within the City and Liberties aforesaid respectively, shall neglect to attend such Muster.

Ibid. Sect. 26.

On Pain of being disabled and cashiered.

In Case of Neglect, Commissary may proceed to muster such Regiment, &c. provided Oath be made before a Justice within forty-eight Hours after such Muster taken, that such Notice was given to six Justices.

Ibid. Sect. 26. See Sect. 11.

Two Justices attending to sign Muster-Rolls, and to take Cognizance of the Muster, and to examine the Truth thereof before they sign the same.

Ibid. Sect. 26.

A P P E N D I X

Offences.

Officers and Soldiers.

Penalties

Note; Constables, &c. may billet the Officers and Soldiers of his Majesty's Foot-Guards in *Westminster* and Places adjacent.

Ibid. Sect. 27.

One Justice may order Constables, &c. to provide Carriages and Drivers, &c.

Military Officers forcing Waggon, &c. to travel more than one Day's Journey, not discharging them in due Time for their Return Home, or shall suffer or connive at Soldiers, Servants, or Women (except the Sick) riding in Waggon, &c. or forcing any Constable by threatening or menacing Words to provide Saddle Horses for themselves, or Servants, or shall force Horses from their Owners.

Ibid. Sect. 30.

High Constables and Petty Constables not executing the Justice's Warrant for providing Carriages, or Persons appointed by them, refusing to provide Carriages and Men, or hindering the Execution of such Warrant.

Ibid. Sect. 31.

Commanding Officer wilfully neglecting or refusing upon Application to deliver up any Officer, Non-Commission Officer, or Soldier, accused of any Capital Crime, or of any Violence, or Offence, to the Civil Magistrate, or to aid and assist the Officers of Justice in apprehending such Offender.

Two Witnesses.

Ibid. Sect. 46.

For every Offence five Pounds.

The Proof to be before two Justices, who are to certify to the Paymaster General of his Majesty's Forces under Hand and Seal, who is to deduct it out of such Officers Pay.

Forfeits for every Offence not exceeding forty Shillings, nor less than twenty Shillings to the Poor of the Place where.

To be levied by Distress, &c.

Two Justices.

To be cashiered and disabled to hold any Military Employment, provided the Conviction be affirmed at the next Quarter-Sessions, and Certificate thereof be transmitted to the Judge-Advocate, and by him to the Court Martial.

[Du. Sect.] Officers and Soldiers quartered and billeted, as aforesaid, to pay such reasonable Prices for all necessary Provisions to Owners of Inns, &c. as shall be appointed from Time to Time by the Justices at their General

A P P E N D I X

Offences. Officers and Soldiers. Penalties.

neral or Quarter-Sessions of each County, City, &c. for one or more Nights.

Ibid. Sect. 20.

Upon Complaint to the next Quarter-Sessions of Officers, not giving Notice to Inn-keepers, &c. of Subsistence-Money in their Hands, and not paying the same.

Two Witnesses.

Ibid. Sect. 25.

Sessions to certify the Sum due, and the Persons, to whom the same is owing, to the Paymaster of his Majesty's Guards and Garrisons, which if not paid, Officer is disabled, and to be cashiered.

From Time to Time to make Orders upon the *Treasurer of the County* for paying Constables, &c. such reasonable Sums by them laid out for Soldiers Carriages (without Fee or Reward) over and above what is received by them of the Officer requiring such Carriages.

Ibid. Sect. 32.

Note; The Sessions may raise Money for it as for County Gaols and Bridges.

Ibid. Sect. 33.

Note; No Justice of Peace having any Military Command, is to be concerned in Billeting or Quartering of Soldiers.

9 Geo. 2. c. 2. Sect. 19.

Note; By the said Statute 9 Geo. 2. c. 2. Sect. 51. No Volunteer is liable to Process of Arrest, &c.

And the Justices Power to discharge Soldiers arrested, is now vested in the Judges.

Yet this Act shall not exempt Officers or Soldiers from the ordinary Process of Law, nor extend to the Militia of this Kingdom, or of Ireland.

Note; These Acts touching Officers and Soldiers do constantly Expire every Year, and therefore the last Act is always only to be regarded.

APPENDIX

Orchards.

Offences.

[One] **P**ersons unlawfully cutting and taking Corn growing, robbing Orchards, and taking away any Fruit-Trees; breaking any Hedges, Pales or other Fences, cutting or spoiling any Woods or Under-woods, standing and growing, or the like; and the Accessories thereunto.

Stat. 43 Eliz. c. 7. Sect. 1.

Confession, or one Witness.

Prosecution to be in six Weeks,

but 15 Car. 2. c. 2. which see (in Tit. Moor), alters the Punishment.

Penalties.

First Offence, To pay to the Person griev'd such Damages as the Justice shall appoint. If he be thought not able to pay, to be committed to the Constable, to be whipp'd, and for every other Offence to be whipp'd.

The Constable refusing or neglecting to do his Duty, to be committed till he does.

In the Justice's own Case, he is to associate one or more Justices.

Overseers of the Poor. See Tit. Poor.

Overseers of Cloth. See Tit. Cloth.

Pales. See Tit. Orchards.

Papists and Popish Superstition.

Agnus Dei, &c.

[One] **P**ersons bringing into any of the Queen's Dominions any *Agnus Dei*, Crosses, Pictures, Beads, or any such vain or superstitious Thing; or delivering, or offering the same to any Person to be used.

Stat. 13 Eliz. c. 2. Sect. 7.

[Qu. Sect.] Persons receiving any *Agnus Dei*, Crosses, Pictures, Beads, &c.

Stat. 13 Eliz. c. 2. Sect. 17.

23 Eliz. c. 1. Sect. 2.

Arms

A Praemunire. A Justice may receive Notice hereof, and is to disclose the same to the Privy Council in fourteen Days after, on Pain of a *Praemunire*.

A Praemunire.

Forfeits

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Offences: Papists and Popish Superstitions. Penalties

Arms and Horses.

[One] A Popish Recusant, refusing to declare what Armour or Munition he hath, or to deliver it to such Person as hath Power to seize it.
Stat. 3 Jac. 1. c. 5. Sect. 28.

[Two] Papists, or reputed Papists, refusing to make the Declaration in 30 Car. 2. c. 1. or neglecting to appear before two Justices, upon Notice.

Stat. 1 W. & M. Sess. 1. cap. 15. Sect. 4, 5.

Persons concealing, or privy to concealing Arms of Papists, or reputed Papists, or hindring Search for and seizing the same.

Stat. 1 W. & M. Sess. 1. c. 15. Sect. 6.

Papists concealing, or Aiders in concealing Horses of Papists, or reputed Papists.

Stat. 1 W. & M. c. 15. Sect. 10.

[Four] To take away from a Popish Recusant convict, all his Armour, Gunpowder, and Munition, but what they allow him.

Stat. 3 Jac. 1. c. 5. Sect. 27.

Books and Relicks.

[Two] To search the Houses and Lodgings of Popish Recusants convict, and of every Person whose Wife is a Popish Recusant convict for Popish Books and Relicks.

Stat. 3 Jac. 1. c. 5. Sect. 26.

Crucifix.

[Qu. Sess.] A Crucifix, or other Popish Relick of any Price.

Stat. 3 Jac. 1. c. 5. Sect. 26.

Forfeits the same, and shall be imprisoned by Warrant, for three Months, without Bail.

His Arms, Weapons, Gunpowder, or Ammunition, to be seized, by Warrant, to the Use of the Crown, and delivered at the next Quarter-Sessions, in open Court.

If he does not discover his Arms, or hinders Search for them, to be committed for three Months without Bail, forfeits his Arms, and to pay treble Value, to be set at next Quarter-Sessions.

To be committed to the common Gaol for three Months, without Bail, and forfeit treble the Value of the Arms.

To be committed for three Months, without Bail, and forfeit the treble Value of the Horses.

The Books and Relicks are to be burnt and defaced.

To be defaced in open Sessions, and then returned to the Owner.

A P P E N D I X

Offences. Papists and Popish Superstition. Penalties.

Feme Coverts.

[Two] Feme Coverts being convicted Recusants (under Peerage) not conforming within three Months after Conviction.

Stat. 7 Jac. 1. c. 6. Sect. 28.

Quor. 1.

See Tit. Abjuration and Church.

Jesuit and Priest.

[One] To take an Information of a Jesuit or Priest's remaining in any of the Queen's Dominions, and in twenty-eight Days to disclose it to some of the Privy Council.

Stat. 27 Eliz. c. 2. Sect. 13.

Impugning Supremacy.

[One] Persons above sixteen, absenting from Church above one Month, impugning the Queen's Authority in Causes Ecclesiastical, or frequenting *Conventicles*, or persuading others so to do, under Pretence of Exercise of Religion.

Stat. 35 Eliz. c. 4. Sect. 1.

This not to be extended to Protestant Dissenters, by

Stat. 1 W. & M. Sess. 1. c. 18.

To be committed till they conform, unless their Husbands pay ten Shillings a Month to the King, or the third Part of his Lands.

On Forfeiture of Two hundred Marks.

To be committed till they conform themselves, and make Submission. He may require them to conform and submit; and if they refuse, they must abjure the Realm in open Assize or Sessions.

License.

[Four] To License a Popish Recusant to go about his necessary Occasions, with the Assent in Writing of the Bishop, Lord Lieutenant, or Deputy Lieutenant, upon Oath of his true Reason of his Journey, and that he will make no causeless Stays.

Stat. 3 Jac. 1. c. 5. Sect. 7.

Maintaining the Pope's Jurisdiction.

[Two] Persons who maintain the Jurisdiction of the Bishop, or See of Rome, and their Accessaries.

Stat. 5 Eliz. c. 1.

Incur a *Premunire*, which two Justices are to hear and determine, and certify their Presentments into the Queen's Bench, if in Term-time, within forty Days; if not, the first Day

A P P E N D I X

Offences. **Papists and Popish Superstition. Penalties.**

Maintaining the Pope's Jurisdiction,

Day of the next Term, on Pain of 100*l*.

[*Qu. Sell.*] Persons affirming or maintaining the Power or Jurisdiction of any Foreign Prelate or Potentate within the Queen's Dominions.

First Offence, Forfeiture of all Goods and Chattels; and if not worth twenty Pounds at the Time of Conviction, all and one Year's Imprisonment, without Bail.

Stat. 5 *Eliz. c. 1. Sect. 2.*

— 23 *Eliz. c. 1. Sect. 2.*

The Prosecution to be in twelve Months; but if by Preaching, Teaching, or Words only, in six Months.

Two or more Witnesses.

Second Offence, *Premature.*

The Statute of 5 *Eliz. c. 1.* against maintaining the Pope's Jurisdiction, is to be openly read by the Clerk of the Peace every Quarter-Sessions.

Stat. 5 *Eliz. c. 1. Sect. 15.*

The Comforters and Maintainers of such as obtain, or put in Use any Bull of Absolution or Reconciliation from the Bishop of Rome, or absolve, or be absolved thereby.

A *Premature*, unless within six Weeks they discover them to some of the Privy Council.

Stat. 13 *Eliz. c. 2. Sect. 4.*

— 23 *Eliz. c. 1. Sect. 2.*

Mass.

Saying or singing Mass.

Stat. 23 *Eliz. c. 1. Sect. 4.*

200 Marks, and one Year's Imprisonment, and not to be enlarged till the Fine be paid. Two Thirds to the Queen, one to her own Use, the other for the Poor, the Third to the Prosecutor.

Hearing Mass.

Stat. 23 *Eliz. c. 1. Sect. 4.*

100 Marks, and one Year's Imprisonment, the Fine to be divided, *ut supra.*

Oath of Allegiance.

[One] May require *Dissenting Teachers*, preaching in any Congregation in such Counties where they have not qualified themselves, as the Toleration-

A P P E N D I X

Offences. Papists and Popish Superstition. Penalties.

Oath of Allegiance.

tion-Act directs, to take the Oath and Declaration of Allegiance and Fidelity. Stat. 10 Ann. c. 2. Sect. 9.

[Two] To tender the Oath of Allegiance to any Person of eighteen, or above, convicted or indicted of Recusancy, who have not received the Sacrament twice in the Year next before, and to certify the Name, and Dwelling of Persons taking the Oath to the next Sessions, to be recorded by the Clerk of the Peace, or Town-Clerk. Stat. 3 Jac. 1. c. 4. Sect. 13.

Note; This extends not to Noblemen, or Noblewomen.

Jointly, or severally, to administer the Oaths of Allegiance and Supremacy to any Person reconciled to the Church of Rome, and returning into the Realm, to be certified the next Sessions, on the Penalty of forty Pounds. If such Person takes the Oaths, in six Days after he shall return, he shall not be prosecuted for the Treason. Stat. 3 Jac. 1. c. 4. Sect. 24.

To administer the Oath of Allegiance to any Person of the Age of eighteen, or above, and not a Peer.

Stat. 7 Jac. 1. c. 6. Sect. 26.

Quor. 1.

To administer the Oaths of Allegiance and Supremacy, to Foreigners, who shall use for three Years the Trades of breaking, hickling, or dressing Hemp or Flax; and of making and whitening Thread; and spinning, weaving, making, whitening or bleaching Cloth made of Hemp or Flax only; and making Twine or Nets for Fishery; or storing Cordage, or making Tapestry Hangings. Stat. 15 Car. 2. c. 15. Sect. 3.

To take the Oath and Declaration of Allegiance and Fidelity of Dissenters, prosecuted contrary to 1 W. & M. c. 18. (and solemn Affirmation and Declaration of Quakers) and their Subscription to the Confession of Christian Faith, and to certify the same to the Sessions.

Stat. 10 Ann. c. 2. Sect. 8.

To administer and tender the Oaths directed by 1 Geo. 1. c. 13. to be taken, to Persons whom they shall suspect to be dangerous, or disaffected to his Majesty or his Government. On Neglect or Refusal.

Stat. 1 Geo. 1. c. 13. Sect. 11.

To certify the Refusal to the Quarter-Sessions, to be recorded, and from thence to be certified by the Clerk of the Peace into Chancery or King's Bench.

Person so refusing or neglecting, is a Popish Recusant convict, and forfeits as such.

May summon any Person to appear at a Day and Place, to take the Oaths directed by 1 Geo. 1. c. 13.

And

To certify the Default to the Sessions; and if he neglects or refuses to take the Oaths at the Session: His Name

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And on Oath made that the Summons was left at his House, and the Party not appearing.

Stat. 1 Geo. 1. c. 13. Sect. 12.

Name to be proclaimed at the first Meeting of the Sessions.

Then to be adjudged a Popish Recusant Convict, and this to be certified, *as supra*.

No Manors, Lands, &c. to be sold or bequeathed by Papists, &c. refusing to take the Oaths by any Deed or Will, unless such Deed within six Months after the Date; and such Will within six Months after the Testator's Death, be enrolled in one of the Courts of Record at Westminster, or by the *Custos Rotulorum*, and two Justices, and the Clerk of the Peace, or two of them at the least, whereof the Clerk of the Peace to be one.

Stat. 3 Geo. 1. c. 18. Sect. 6.

Note; No Action or Suit for the Penalties or Forfeitures, by 1 Geo. 1. c. 13. or 3 Geo. 1. c. 18. for wilfully neglecting or refusing to register, to be commenced or brought after two Years.

Stat. 3 Geo. 1. c. 18. Sect. 2.

[Du. Sess.] A Papist of the Age of twenty-one, having an Estate in Lands, and not taking the Oaths, and repeating and subscribing the Declaration, 13 Car. 2. at the Quarter-Sessions, or Courts at Westminster, between Nine and Twelve in the Forenoon; or in Default thereof not registering his Name and Lands, &c. what Estate he has in them, the yearly Rents, &c. within six Months, and not subscribing such Register in Presence of two Justices in open Sessions, or by Warrant of Attorney, under Hand and Seal executed in the Presence of two Witnesses, who are to make Proof thereof at the Sessions upon Oath.

Two of the Justices then present to sign as Witnesses to such Entry.

Stat. 1 Geo. 1. c. 55. Sect. 1.

All Officers Civil and Military, Ecclesiastical Persons, Heads of Colleges, &c. Serjeants at Law, Counsellors, Attornies, Solicitors, &c. practising in Courts, are within three Months

On Neglect or Refusal forfeits the Fee simple of his Land not registered, or fraudulently registered, and the full Value of other Lands, whereof he has not the Fee-simple.

Two Thirds thereof to the Crown, and the other to any Protestant that will sue.

In Default each forfeits twenty Pounds to the King.

Neglecting are disabled to execute any Offices or Employments, or to sue any Action, or to be a Guardian, Executor or Administrator, not capable of any Legacy, or voting for a Member

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Months to take the Oaths at Quarter-Sessions, or one of the Courts at Westminster.

Stat. 1 Geo. 1. c. 13. Sect. 3 & 9.

See Tit. Oaths.

Member of Parliament, and forfeit 500 l. to be recover'd by Action of Debt, &c. to the Person who sues for the same.

(Reconciler and Reconciled.)

[One] Aiders and Maintainers of Persons reconciling and reconciled to the *Romish* Religion, if they do not in twenty Days discover the Reconciling and Reconciled to a Justice or higher Officer.

Stat. 23 Eliz. c. 8. Sect. 3.

Misprision of Treason.

(Recusancy.)

[Qu. Ess.] A Recusant, who conforms, not receiving the Sacrament within a Year after, and so once every Year at least.

Stat. 3 Jac. 1. c. 4. Sect. 3.

The Church-wardens and Constables of every Parish, or one of them, or (if there be none such, then) the High Constable of the Hundred there, not presenting once every Year at the Quarter-Sessions, the monthly Absence from Church of every Popish Recusant and their Children, being nine Years of Age, and their Servants with the Childrens Age, as near as they can know them.

Stat. 3 Jac. 1. c. 4. Sect. 4.

For the first Year twenty Pounds, for the second forty Pounds; and every Default after sixty Pounds. And if after he hath received it, he make Default therein by the Space of a Year 60 l. to be divided between the King and the Prosecutor.

Twenty Shillings for every Default. The Clerk of the Peace to record it on forty Shillings Penalty. If upon such Presentment (being the first) the Recusant be convicted, the Officer who presents him, shall have forty Shillings to be levied on the Recusant's Goods and Estate, by Warrant, as the Justices shall think fit.

To cause Proclamation to be made, that Popish Recusants shall render themselves to the Sheriff, or Bailiff of the Liberty, where they are, before the next Assize, Gaol-Delivery, or Sessions respectively. If they do not, the Default being recorded, shall be taken as a sufficient Conviction.

Stat. 3 Jac. 1. c. 4. Sect. 7.

Every

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Every Conviction of a Popish Recusant is, before the End of the Term next following, to be certified into the Exchequer, in such Certainty, that Process may issue.

Stat. 3 Jac. 1. c. 4. Sect. 9.

Note; No Indictment against a Recusant shall be reversed for Want of Form, other than by direct Traverse to the Point of not coming to Church, or not receiving the Sacrament.

Stat. 3 Jac. 1. c. 4. Sect. 16.

(Reputed Papists.)

[One] Justice of London, Westminster, and Southwark, and of the Counties of Middlesex, Surry, Kent and Sussex, to cause to be brought before him every Person (not being a Merchant Foreigner within London and Westminster, or ten Miles thereof) reputed to be Papists, and tender them the Declaration in the Stat. 30 Car. 2. For the more effectual preserving the King's Person and Government, &c.

Stat. 1 W. & M. Sect. 1. c. 9. Sect. 1.

Every such Person, after Refusal to make and subscribe the same, who shall continue to be within the said City or Cities, or within ten Miles of the same, he or she shall forfeit or suffer as a Popish Recusant convicted.

Justices of Essex have like Jurisdiction, by Stat. 1 W. & M. Sect. 1. c. 17. Sect. 1.

Parliament.

[Two] TO administer the Oaths to Candidates to serve, after the Determination of this present Parliament, for County, City, Borough, or Cinque Port in England, Wales, or Berwick upon Tyne. He who stands for the County, that he has 600 l. per Ann. of or in Lands, Tenements, or Hereditaments, above Reprizes; and for a City, Borough, or Cinque Port, of 300 l. per Ann. above Reprizes. 2. Stat. 9 Ann. c. 5.]

[Qu. Best.] *Note*; The Act for more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament, is to be openly read every Year at the General Quarter Sessions after Easter, in every County, &c.

Stat. 2 Geo. 2. c. 24. Sect. 11.

See Tit. Oath and Petition.

Petition

A P P E N D I X

Partition of Lands.

Offences.

[Three] **T**O be present at the Under-Sheriff's Executing a Writ of Partition, when the High Sheriffs, by Reason of Distance, Infirmity, or any other Hindrance, cannot be present.

Stat. 8 & 9 W. 3. c. 31. Sect. 4.

Partridge. See Tit. Game.

Party-Walls. See Tit. Fire.

Perjury.

[On. Sess.] **O**NE who commits wilful Perjury.

Stat. 5 Eliz. c. 9. Sect. 4.

Forfeits twenty Pounds, and shall suffer six Months Imprisonment without Bail, and is disabled to give Evidence until the Judgment be reversed.

If he be not able to pay the Fine, to be set in the Pillory in the publick Market, and his Ears to be nailed.

Note; One Justice may bind the Offender over to Sessions.

Petition to King or Parliament.

[Three] **M**AY consent to, and order a Petition to the King or Parliament.

Stat. 13 Car. 2. c. 5. Sect. 2.

[On. Sess.] Labouring, or procuring the getting Hands, or other Consents, of above twenty Persons, to any Petition, &c. to the King, or either House of Parliament, for Alteration in Church or State, unless by Consent of three or more Justices, or the Grand Jury at the Assizes, or Sessions.

A Sum not exceeding 100 l. and three Months Imprisonment.

APPENDIX

Offences. Petition to King or Parliament, Penalties:

fions, and repairing to the King, to deliver such Petition with above ten Persons at once.

Stat. 13 Car. 2. c. 5. Sect. 2.

Pewter.

[Qu. Sess.] **A**T their Michaelmas Sessions, yearly to appoint Searchers of Brads and Pewter.

Stat. 19 H. 7. c. 6. Sect. 15.

Pheasants. See Tit. Game.

Physicians.

[One] **T**O assist the President, and all Persons authorized by the College of Physicians, for the due Execution of the several Acts of Parliament, which concern the said College.

Stat. 1 Mar. Parl. 1. Sess. 2. c. 9. Sect. 6.

Pigeon. See Tit. Game.

Pilchards.

[One] **S**uspicious Persons, flocking together about the Boats, Nets, and Cellars, belonging to the Pilchard Craft upon the Coast of Cornwall and Devon, being warned to be gone, and refusing.

Stat. 13 & 14 Car. 2. cap. 28.

Sect. 5.

Warning to be by the Company, or Owner of the Boats and Cellars:

Pilots,

APPENDIX

Pilots.

Offences.

[Two] ANY Person undertaking the Charge of any Ship or Vessel down the River Thames, or through the North Chanel to or by Orfordness, or round the long Sand Head into the Downs, or down the South Chanel thither; or from or by Orfordness up the North Chanel, or the River Thames, or the Medway, other than such as shall be Licensed to act as a Pilot by the Master, Wardens and Assistants of Trinity-House, under their Common Seal.

Stat. 5 Geo. 2. c. 20. Sect. 1.

Penalties.

On Conviction before two or more Justices of London, Middlesex, Essex, Kent, or Surry respectively, *ut infra*, forfeits twenty Pounds.

Not to extend to Colliers or Coasters.

All the said Pilots to be subject to the said Corporation, and to pay the accustomed Dues out of their Wages for the Benefit of the Poor of the said Corporation. *Ibid.* Sect. 8. And all the pecuniary Forfeitures and Penalties arising by this Act (Part whereof see in Title Gunpowder) to be applied for Benefit of the same Poor.

Ibid. Sect. 6.

[Two] Justices in London, or the said Counties, not Members of the said Corporation, may hear and determine Offences against this Act; and on Information within ten Days after any Offence (within the Act) are to summon the Party accused and Witnesses on either Side; or on Oath made of any of the Facts *supra*, by one Witness, to issue Warrants for apprehending the Party within London or the said Counties, or on the River Thames within the Limits *supra*, and on his Appearance or Contempt (on Proof of Notice) to examine Witnesses on Oath, give Judgment; and if convicted on View of either of the said Justices, or on the said Information or Confession, may issue Warrants for levying any pecuniary Penalty so adjudged, on the Offender's Goods, and cause a Sale, if not redeemed, in five Days, rendering the Overplus; and if no Goods, commit the Party for three Months, or till Penalty paid: But Persons aggrieved may appeal to Quarter-Sessions, who are to examine on Oath, and finally determine; and on Conviction issue Warrants for levying or compelling Payment of the said Penalties.

Ibid. Sect. 7.

Pilots misbehaving, may be cashiered by a Court of the said Corporation, and acting afterwards liable to Penalties on unlicensed Pilots, to be recovered, *ut supra*.

Ibid. Sect. 9.

See

A P P E N D I X

Offences.

Plots.

Penalties.

See also a Penalty of twenty Shillings *per Diem* for Mooring Ships in *St. Saviour's Dock*; to be recovered and disposed, *ut supra*.

Ibid. Sect. 10.

And Note the subsequent Restrictions of the said Act.

Plague.

[One] **T**O command any Person infected with the Plague, residing in an infected House, not to go out; and if he does afterwards go out.

Stat. 1 Jac. 1. c. 31. Sect. 7.

If any Person being infected with the Plague, who has no Sore upon him, go abroad and converse in Company.

Stat. 1 Jac. 1. c. 31. Sect. 7.

[Two] The Mayor, Bailiffs, Head-Officers and Justices of Peace; and where there are none, two Justices of the County, may tax the Inhabitants towards Relief of such as have the Plague.

Stat. 1 Jac. 1. c. 31. Sect. 2.

These Taxes to be certified to the Quarter-Sessions.

See Quarantine.

Plaints. See Tit. County-Courts.

Plays. See Tit. Vagabonds.

The Watchman may resist him; and if any Hurt happen thereupon, the Watchman shall not be impeached for the same.

To be openly whipped as a Vagabond, according to Stat. 39 Eliz. c. 4.

To be levied by Distress and Sale; and upon Refusal, to be committed till Payment.

A P P E N D I X

Poor.

Offences.

Badge.

[One] **E**very Person receiving Relief of any Parish or Place, and the Wife and Children of any such Person, cohabiting in the same House (except one Child to attend an impotent and helpless Parent) refusing or neglecting to wear their *Badge*, in an open and visible Manner.

Stat. 8 & 9 W. 3. c. 30. Sect. 2.

Upon Complaint.

Churchwardens, or Overseers, relieving any such Poor, not having and wearing such *Badge*.

Stat. 8 & 9 W. 3. c. 30. Sect. 2.

One, or more Witnesses.

Penalties.

His or her Allowance to be abridged, or withdrawn, or to be committed to the House of Correction, to be whipped and kept to hard Labour, not exceeding twenty-one Days.

Twenty Shillings to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Poor.

Boys bound to Sea. See Apprentice.

Costs.

[One] Where *Costs* are given upon an Appeal, from an Order of Settlement of the Poor determined, or where Notice was given, and the Person, order'd to pay such *Costs*, dwells out of the Jurisdiction of the Court, which gave the *Costs*.

Stat. 8 & 9 W. 3. c. 30. Sect. 3.

Upon Request, and producing a true Copy of the Order for *Costs*, on Oath of one Witness.

The *Costs* to be levied by Warrant of one Justice of the County, where the Party dwells, who is to pay the *Costs*, by Distress and Sale; and for Want, to be committed to the common Gaol for twenty Days.

Father, &c. to maintain poor Children.

[Qu. Sess.] Father, Grandfather, Mother, Grandmother, and Children of Poor who cannot work, to be assessed towards their Relief.

Stat. 43 Eliz. c. 2. Sect. 7.

Overseers.

A P P E N D I X

Offences.

Poor.

Penalties.

Overseers.

[Two] The Church-wardens; and four, three or two Householdors of every Parish (according to the Greatness of the Parish) to be nominated in *Easter Week*; or in a *Month* after; under their Hands and Seals, are *Overseers* of the Poor.

Stat. 43 Eliz. c. 2. Sect. 1.

Quor. 1.

Overseers of the Poor not meeting once a Month in the Church upon Sunday after Evening Prayer.

Stat. 43 Eliz. c. 2. Sect. 2.

Quor. 1.

To allow of the *Overseers* Excuse, for not meeting once a Month, or not, as they see Cause.

Stat. 43 Eliz. c. 2. Sect. 2:

Quor. 1.

Overseers not accounting in four Days after the End of their Year.

Stat. 43 Eliz. c. 2. Sect. 2.

Quor. 1.

Justices neglecting to nominate, forfeit five Pounds.

Twenty Shillings to the Use of the Poor, to be levied by Distress and Sale.

To be committed without Bail, till they Account.

May, upon Application, by Warrant or Order, authorize the Church-wardens or *Overseers* of the Poor, where any Wife, Child, &c. is left to the Parish, to seize so much of the Husband, Father or Mother's Goods, Chattels, Rents, &c. as may discharge the Parish, and provide for such Wife, Child, &c.

Stat. 5 Geo. 1. c. 8. Sect. 1.

[Qu. Sess.] If such Warrant of two Justices be confirmed at the next Sessions, the Sessions may order the Church-wardens or *Overseers* to sell the Goods, &c. or receive the Rents, &c. as shall be necessary to discharge the Parish, &c. And they to Account at the Sessions for what Money they receive on such Warrant.

Stat. 5 Geo. 1. c. 8. Sect. 1 & 2.

Bates.

[Two] To consent to the setting poor People to work; to the raising by Taxation a convenient Stock to work upon; and also Monies for relieving the Aged and Impotent, and putting forth Apprentices.

Stat. 43 Eliz. c. 2. Sect. 1.

Quor. 1.

[L 2]

Parson;

A P P E N D I X

Offences.

Poor. (Rates.)

Penalties.

Parson, and all Inhabitants who are able, are taxable to the Relief of the Poor.

Stat. 43 Eliz. c. 2. Sect. 1.

Quor. 1.

Such Tax is to be levied by Distress and Sale of Goods, and in Default, to be committed without Bail, till it be discharged.

Where any Parish is not able to relieve themselves, may tax other Parishes and Places, and the Hundred, if need be.

Stat. 43 Eliz. c. 2. Sect. 3.

Quor. 1.

The Rates set upon every Parish, at *Easter* Sessions.

Stat. 43 Eliz. c. 2. Sect. 13.

Quor. 1.

To be levied by Distress and Sale, and Commitment, *ut supra*.

The Constable not paying the Monies rated at *Easter* Sessions, to the High Constable.

Stat. 43 Eliz. c. 2.

Quor. 1.

Ten Shillings, to be levied by Distress and Sale of Goods, and in Default, to be committed without Bail, till it be discharged.

The High Constable not paying the Monies abovementioned to the Treasurers.

Stat. 43 Eliz. c. 2.

Quor. 1.

Twenty Shillings, to be levied, *ut supra*.

[*Qu. Sess.*] To tax every Parish in the County, not above six Pence, or eight Pence a Week for every Parish, towards Relief of *Prisoners* in the Common Gaol; to be levied by the Church-wardens, and paid to the High Constables, and the High Constables to pay it to the Collector appointed by the Justices, upon the Penalty of five Pounds a-piece.

Stat. 14 Eliz. c. 5. Sect. 2.

To provide a Stock to set poor *Prisoners* committed for Felony, and other Misdemeanors, to work, in such Manner as other County-Charges are levied; and to appoint Overseers, and order their Accounts, and punish Abuses. No Parish to be rated above six Pence a Week.

Stat. 19 Car. 2. c. 4. Sect. 1.

Where the whole Hundred is not able to relieve their Poor, the Justices, in Sessions may tax the County in Part, or in Whole, at their Discretions.

Stat. 43 Eliz. c. 2. Sect. 3.

At *Easter* Sessions, yearly, to rate every Parish at a certain Sum, to be paid Weekly: No Parish to pay more than six Pence, nor less than a Halfpenny

A P P E N D I X

Offences.

1800.

Penalties.

(Notes.)

Halfpeny, towards Relief of poor Prisoners in the *Queen's Bench, Marshalsea, Hospitals, and Alms-houses* in their Jurisdictions, every one respectively, to receive out of every County twenty Shillings yearly.

Stat. 43 *Eliz. c. 2. Sect. 14.*

Refusing to work.

[Two] Such Persons as refuse to work.

Stat. 43 *Eliz. c. 2. Sect. 4.*

Quor. 1.

To be sent to the House of Correction.

One Justice may do this as well as two.

Registering Notice.

[One] Church-wardens and Overseers refusing to register Notice of poor Persons coming into a Parish, and not reading, or causing to be read such Notice.

Stat. 3 & 4 *W. & M. cap. 11. Sect. 5.*

Two Witnesses, upon Oath.

Forty Shillings to be levied by Distress and Sale, and for Want, to be committed for a Month.

Relief and Settlement, &c.

[One] No Justice to order Relief to a poor Person, before Oath made before him of a reasonable Cause for it, and that the Party had applied to the Parishioners at a Vestry, or to two Overseers, and was by them refused to be reliev'd; nor till he has summoned the two Overseers to shew Cause why the Party should not be relieved, and the Person summoned heard, or made Default to appear.

Stat. 9 *Geo. 1. c. 7. Sect. 1.*

Persons ordered to be relieved by such Justice, are to be registered in the Parish-Books as other Poor, only as long as the Cause for Relief continues, and no longer.

Ibid. Sect. 2.

Two or more Parishes (if small) may with Approbation of one Justice, under his Hand and Seal, unite in hiring a House, &c. for lodging, employing, and maintaining their Poor; and the Church-wardens, &c. of one Parish may contract with those of other Parishes for such Lodging, Maintenance, &c.

Ibid. Sect. 4. See infra.

[Two] No Officer of any Parish (except on emergent Occasions) shall bring to the Parish Account, any Money

Five Pounds to the Poor's Use, leviable by Distress, &c. by Warrant of two Justices after Examination, &c.

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Penalties.

(Relief and Settlement, &c.)

Money he shall give to any Poor not registered, *ut supra*.

Ibid. Sect. 2.

Note; By the said Statute Church-wardens and Overseers of any Parish or Place, may, with Consent of the major Part of the Inhabitants at a Vestry or Meeting, purchase or hire any House or Houses in such Parish or Place, and contract with Persons for lodging, keeping, or employing the Poor, who are to have the Benefit of their Work and Labour for their better Maintenance.

Ibid. Sect. 4.

A poor Person refusing to be lodged or kept in such House.

Ibid. Sect. 4.

To be struck out of the Parish-Books, and have no Relief.

[Settlement.] But no Poor, or their Children, Apprentices, &c. to gain any Settlement in the Parish or Place, to which they are removed, by Virtue of this Act.

Ibid. Sect. 4.

None to acquire a Settlement in any Parish by Reason of any Purchase therein, where the Consideration does not amount to thirty Pounds for any longer than he dwells in the Estate purchased; but shall be liable to a Removal to the Place where last settled.

Ibid. Sect. 5.

And Persons taxed to the Scavenger's Rates, or Repairs of Highways, and paying the same, gain not thereby any Settlement.

Ibid. Sect. 6.

[App. Sect.] No Appeal from any Order for Removal shall be proceeded on in any Court or Quarter-Sessions, unless reasonable Notice be given by the Church-wardens, or Overseers making the Appeal to the Church-wardens, &c. from whence such Poor are to be removed; and if due Notice be not given, the Justices shall adjourn the Appeal to the next Quarter-Sessions, and then finally determine it.

Ibid. Sect. 8.

If the Appeal be determined in Favour of the Appellants, the Quarter-Sessions are to order the Money expended for Relief of the poor Person, between the Time of his Removal and the Determination of the Appeal, to be paid to the Appellants, recoverable as prescribed by the Act of 9 W. 3. (which see before).

Ibid. Sect. 9.

Setting

A P P E N D I X

Offences.

Poor.

Penalties.

(Setting them to work.)

[One] Where there is but one Justice of the Peace, he may consent to the Church-wardens and Overseers of the Poores setting up, using and occupying any Trade, Mystery, or Occupation, only for the setting on Work, and better Relief of the Poor of the Parish where they bear Office.

Stat. 3 Car. 1. c. 4. Sect. 22.

Settlement and Removal.

[One] Complaint is to be made to one Justice, by the Church-wardens or Overseers of the Poor, within forty Days, of Persons likely to become chargeable to the Parish, who come to settle in a Tenement under ten Pounds *per Annum*.

Stat. 13 & 14 Car. 2. c. 12. Sect. 1.

Note; The Statute 13 & 14 Car. 2. c. 12. is now made perpetual by 12 Ann. Sess. 1. c. 18. Sect. 1.

Persons returning to the Parish whence they were removed.

Stat. 13 & 14 Car. 2. cap. 12. Sect. 3.

Church-wardens or Overseers refusing to receive any Person removed, and to provide for them.

Stat. 13 & 14 Car. 2. c. 12. Sect. 3.

Church-wardens or Overseers, refusing to receive any Person removed by two Justices.

Stat. 3 & 4 W. & M. cap. 11. Sect. 10.

Two Witnesses upon Oath.

[One] May order Overseers, &c. to be reimbursed their Charges of removing Poor, or maintaining or sending back Certificate Persons, by the Church-wardens or Overseers to which removed; such Charges to be ascertained and allowed by one Justice of the County or Place to which removed.

Stat. 3 Geo. 2. c. 29. Sect. 9.

To be sent to the House of Correction.

To be bound to the Assises or Sessions, to be indicted for their Contempt.

Five Pounds for the Poor of the Parish, from which he shall be removed, to be levied by Distress and Sale: For Want, to be committed for forty Days. The Warrant, by the Justice of the Place to which the Removal is directed, to the Constable where the Offender dwells.

Such Charges so ascertained and allowed, on Refusal of Payment to be levied by Distress and Sale on the Church-wardens and Overseers, to which removed, by Warrant of one Justice, &c.

[L 4]

[Two]

A P P E N D I X

Offences.

POOR.

Penalties.

(Settlement and Removal.)

[Two] Where any Poor comes to settle in any Tenement under ten Pounds *per Ann.* they may remove such Person, who is likely to be chargeable, to such Person where he or they were last legally settled, either as a Native, Housholder, Sojourner, Apprentice, or Servant, for the Space of forty Days at least, unless Security be given to discharge the Parish, to be allowed by the Justices. An Appeal lies to the next Quarter-Sessions.

Stat. 13 & 14 Car. 2. c. 12. Sect. 1, 2.

1 Jac. 2. c. 17. Sect. 3.

3 & 4 W. & M. c. 11. Sect. 3.

12 Ann. Sess. 1. c. 18. Sect. 2.

Quor. 1.

To allow Certificates under the Hands and Seals of the Church-wardens or Overseers of the Poor, attested by two or more Witnesses, owning the Person mentioned in the Certificate to be an Inhabitant legally settled, which Certificate is not good without their Allowance.

Stat. 8 & 9 W. 3. c. 30. Sect. 1.

Note; The Witnesses, or one of them, who attest the Execution of such Certificates by the Church-wardens, &c. are to make Oath before the Justices who allow it, That he or they did see the Church-wardens and Overseers, whose Names and Seals are thereto, Sign and Seal it, and that the Names of the Witnesses thereto are of their own Hand-writing: And the said Justices are also to certify that such Oath was made before them; and such Certificates so allowed by the Justices, and all former Certificates allowed by them, shall be taken in all Courts as fully proved, and be received as Evidence.

Stat. 3 Geo. 2. c. 29. Sect. 8.

If the Person who hath such Certificate, Rents ten Pounds *per Annum*, or bears an Office in any other Parish afterwards, that will gain a Settlement in that Parish, notwithstanding such Certificate.

Stat. 9 & 10 W. 3. c. 11. Sect. 1.

But Persons removing to other Parishes by Virtue of such Certificates, and taking Apprentices, or hiring Servants there, such Apprentices or Servants do not thereby acquire any legal Settlement in such Parishes.

Stat. 12 Ann. Sess. 1. c. 18. Sect. 2.

[Qu. Sess.] Upon an Appeal concerning the Settlement of the Poor, or upon Proof of Notice given of an Appeal (though the Appeal was not afterwards prosecuted) to award reasonable Costs to the Party, for whom such Notice had been given.

Stat. 8 & 9 W. 3. c. 30. Sect. 3.

Appeals

A P P E N D I X

Offences.

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Penalties.

(Settlement and Removal.)

Appeals against an Order for the Removal of poor Persons, to be heard and determined at the Quarter-Sessions in the County where the Place is, from whence such Person is removed, and not elsewhere.

Stat. 8 & 9 W. 3. c. 30. Sect. 6.

See this Statute explained by 12 Ann. Sect. 1. c. 18. ante.

Post and Postmaster.

[One] **N**O Person or Persons after the 1 June 1711. shall be capable of having, using or exercising the Office of *Postmaster General*, or any Part thereof, or any other Employment relating to the Post-Office, or any Branch thereof, or be any Way concerned in receiving, sorting, or delivering Letters or Packets, unless such Person shall have taken the following Oath before one Justice for the County or Place where such Person resides.

I A. B. do swear, That I will not wittingly, willingly, or knowingly open, detain, or delay, or cause, procure, permit or suffer to be opened, detained, or delayed, any Letter or Letters, Packet or Packets, which shall come into my Hands, Power, or Custody, by Reason of my Employment in or relating to the Post-Office, except by the Consent of the Person or Persons to whom the same is or shall be directed, or by an express Warrant in Writing under the Hand of one of the Principal Secretaries of State for that Purpose; or except in such Cases where the Party or Parties to whom such Letter or Letters, Packet or Packets shall be directed, or who is or are chargeable with the Payment of the Port or Ports thereof, shall refuse or neglect to pay the same. And except such Letters or Packets as shall be returned for Want of true Directions, or when the Party or Parties to whom the same is or shall be directed, cannot be found. And that I will not any Way imbezil any such Letter or Letters, Packet or Packets as aforesaid.

Stat. 9 Ann. c. 10. Sect. 4.

[Two] *Postmaster General*, or any other Officer relating to the Post-Office, not taking the Oaths of Allegiance and Supremacy before two Justices of the County, where they are resident.

Stat. 12 Car. 2. c. 35. Sect. 13.

Not capable to hold.

All

A P P E N D I X.

Offences.

Post and Postmaster.

Penalties.

All Sums not exceeding five Pounds due for Postage of Letters, to be recovered before them in the same Manner, and under the same Rates, as small Tithes are. See Tit. *Tithes*, where you will see how small Tithes are to be recovered.

Stat. 9 *Ann.* c. 10. Sect. 30.

Bill of Exchange wrote on one and the same Piece of Paper with a Letter, and Letters to several and distinct Persons wrote upon one and the same Piece of Paper, to be rated by the Postmaster General.

Stat. 6 *Geo.* 1. c. 21. Sect. 50.

And to pay as so many several and distinct Letters, according to the Rates mentioned in the Stat. 9 *Ann.* c. 10.

To be recovered as small Tithes are by 7 & 8 *W.* 3. c. 6.

Preachers.

[**One**] **A** Disturber of a Preacher lawfully licensed.

Stat. 1 *Mar.* Sess. 2. c. 3. Sect. 5.

See 10 *Ann.* c. 7.

To be committed.

[**Two**] Disturbers of Preachers lawfully licensed.

Stat. 1 *Mar.* Sess. 2. c. 3. Sect. 6.

See Tit. *Church*, touching Preachers in *Scotland*.

In six Days after Commitment by a single Justice, he and one other are to examine the Fact, and if they find Cause, to commit him to the common Gaol for three Months, and thence to the next Quarter-Sessions.

[**Qu. Sess.**] If a Disturber of a Preacher lawfully licensed, who has been committed to the County-Gaol by two Justices, shall at the Sessions be reconciled, and enter into Bond for his Good Behaviour for a Year, he shall be discharged; but if he persists in his Obstinacy, he is to be committed without Bail, till he be reconciled, and be penitent for his Offence.

Stat. 1 *Mar.* Sess. 2. c. 3. Sect. 6.

He that rescues a Disturber of a licensed Preacher.

Stat. 1 *Mar.* Sess. 2. c. 3. Sect. 7.

To be imprisoned and fined five Pounds,

The Inhabitants of a Town, who suffer a Disturber of a licensed Preacher to escape.

Stat. 1 *Mar.* Sess. 2. c. 3. Sect. 8.

Five Pounds,

Prison. See *Gaol*.

Prisoners. See Tit. *Rates*, and *Rate or Tax* in Tit. *Doo*.

Process.

A P P E N D I X.

Process.

Offences.

Penalties.

[One] **T**O commit to the County-Gaol, without Bail or Mainprize, till the next Assises, Sessions of *Oyer and Terminer*, and general Gaol-Delivery, Persons opposing or resisting any Officer, or Officers, or any aiding and assisting in the Execution of any Process in *White-Fryers, Savoy, Salisbury-Court, Ram-Alley, Mitre-Court, Fuller's Rents, Baldwin's Gardens, Mountague-Closet, or the Minories, Mint, Clink, or Deadman's Place.*

Stat. 8 & 9 W. 3. c. 27. Sect. 15.

Prophecies.

[Qu. Self.] **P**ublisher or Setter forth of any fantastical, or false Prophecy, with an Intent to raise Sedition.

Stat. 5 Eliz. c. 15. Sect. 2, 3.

The Prosecution to be within six Months.

First Offence ten Pounds, and one Year's Imprisonment.

Second, forfeits all his Goods, and Imprisonment during his Life.

The Forfeitures to be divided between the Queen and the Prosecutor.

Purveyors.

[One] **P**ersons making Purveyance, or impressing Carriages, or other Things, by Colour of any Warrant under the Great Seal, or otherwise,

Stat. 12 Car. 2. c. 24. Sect. 16.

On the Request of the Party grieved, to be committed to Gaol till next Sessions.

[Two] **Purveyor, Badger, &c.** bargaining for any Victual or Grain, in the Markets of *Oxford or Cambridge*, or in five Miles of them.

Stat. 2 & 3 P. & M. cap. 15. Sect. 2.

— 13 Eliz. c. 21.

Quadruple the Value thereof, and three Months Imprisonment without Bail.

Except when the Queen is there, or within seven Miles.

Quakers.

A P P E N D I X.

Quakers.

Offences.

Penalties.

[One] Instead of the Declaration of Fidelity appointed to be made and subscribed by *Quakers*, by 1 *W. & M. c. 18.* they are to make and subscribe the Declaration of Fidelity, mentioned in 8 *Geo. 1. cap. 6.*

And instead of the solemn Affirmation or Declaration prescribed by 7 & 8 *W. 3. cap. 34.* they are to make the solemn Declaration or Affirmation following :

I A. B. do solemnly, sincerely, and truly declare and affirm.

And instead of the Form prescribed by 1 *W. & M. c. 18.* for the Effect of the Abjuration Oath, they are to take that mentioned in 8 *Geo. 1. cap. 6.*

Note ; All Persons authorised to administer or tender either the said former Declaration, or the said solemn Affirmation or Declaration, or the said Effect of the Abjuration Oath aforesaid, are authorised and required to administer and tender the same respectively to *Quakers* in the Words appointed by the Stat. 8 *Geo. 1. c. 6. Sect. 4.*

If any *Quaker* making such Affirmation or Declaration, shall be lawfully convicted of wilfully, falsely and corruptly affirming or declaring any Matter or Thing, which, if sworn in the common or usual Form, would have amounted to wilful and corrupt Perjury.

Stat. 8 *Geo. 1. c. 6. Sect. 5.*

Offender to suffer such and the same Pains, Penalties and Forfeitures as are against Persons convicted of wilful and corrupt Perjury.

Note ; Quakers or reputed Quakers are disabled to give Evidence in any criminal Cause, to serve on a Jury, or bear Office or Place in the Government, by 7 & 8 *W. 3. c. 34.* And 8 *Geo. 1. c. 6. Sect. 6.*

See Tit. Oath, and Tit. Oath of Allegiance, in Tit. Papists and Popish Superstition, and Tit. Tithes.

Quarentine.

A P P E N D I X

Quarentine.

Offences.

[One] **C**ommander, Master, or other Person having Charge of any Ship or Vessel, coming from any Place visited with the Plague, or having any Person on Board actually infected, not discovering the same, such Commander, &c. are

Stat. 7 Geo. 1. cap. 3. Sect. 1.
Sect. 2.

Persons not infected nor liable to *Quarentine*, who shall enter any Ship, &c. so appointed, *ut supra*, whilst any Person infected or under *Quarentine* shall be therein, are not to return without a proper Licence, but must perform their *Quarentine*: And if such Person shall actually escape, before they have fully performed their *Quarentine*.

Stat. 7 Geo. 1. cap. 3. Sect. 1.
Sect. 8.

Watchmen appointed by Order of two Justices, when any Town, &c. is infected, neglecting or refusing to keep such Watch, or to procure some able and sufficient Person in his Stead.

One or more credible Witnesses.

Ibid. Sect. 10.

Watchmen appointed, *ut supra*, who shall be guilty of any Breach or Neglect of their Duty.

Ibid. Sect. 10.

Penalties.

Guilty of Felony, without Benefit of Clergy.

Quare, if not expired.

Felony, *ut supra*.

Forfeit any Sum not exceeding 100 *l.* nor less than ten Pounds.

One Moiety to the Informer, the other to the Poor where Offence committed.

To be levied by Distress and Sale of the Offenders Goods.

And to be committed to Prison without Bail or Mainprise for two Months, and till Payment of the Sum adjudged.

Liable to the same Penalties, *ut supra*.

Upon the Oaths of the Master or Person having the Charge of any Ship obliged to perform *Quarentine*, and of two of the Persons belonging to such Ship

A P P E N D I X

Offences.

Quarentine.

Penalties.

Ship or Vessel; or two credible Witnesses, that such Ship, &c. and all and every Person and Persons have duly performed *Quarentine*; and are free from Infection: To give a Certificate thereof; after which such Ship, &c. are liable to no farther Restraint.

Ibid. Sect. 14.

Note; In any Inland Place the Certificate must be signed by two Justices,

No more than one Shilling is to be taken for the Oath and Certificate over and above the Stamp-Duty.

Ibid. Sect. 15 & 17.

All small Boats and Vessels under the Burden of twenty Tuns prohibited by his Majesty's Proclamation from sailing or passing out of any Port or Place of *Great Britain*, &c. in Time of Infection, till Security be given in 500 *l.* with Sureties as directed by this Act, by Bond, with Condition, *That if such Boat or Vessel shall not go to, or touch at any Country, Port or Place to be mentioned for that Purpose in such Proclamation.* And if the Master or other Person having Charge of such Boat, &c. or any Mariner or Passenger shall, during the Time of Infection, go on Board any other Ship or Vessel at Sea, or permit or suffer any Person to come on Board such Boat or Vessel at Sea, or shall receive any Goods or Merchandise whatsoever, out of any other Ship or Vessel.

Ibid. Sect. 18.

Persons receiving or buying any Goods, Wares, or Merchandises, clandestinely run or imported contrary to Law, before the same shall be condemned, knowing the same to be clandestinely run or imported.

One or more credible Witnesses.

Ibid. Sect. 19.

On Forfeiture of one hundred Pounds. One Moiety to his Majesty: The other to him that sues for the same.

The Boat or Vessel, for which such Security shall be required by Proclamation, which shall fail before such Security be given, is forfeited, together with Tackle, Apparel, &c. to the King, and may be seized, sued for, and recovered in his Majesty's Exchequer.

The Master and Mariner of such Boat or Vessel being thereof convicted on the Oath of one or more credible Witnesses, forfeits fifty Pounds.

One Moiety to the Informer, the other to the Poor of the Parish where such Offender shall be found.

To be levied by Distress, &c. And for Want of sufficient Distress, to be committed to Prison without Bail, for three Months.

Forfeit ten Pounds. One Moiety to the Informer, the other to the Poor of the Parish, where Offence committed.

To be levied, *ut supra.* For Want of Distress to be committed, *ut supra.*

See Smuglers or Runners of Foreign Goods.

A P P E N D I X.

Offences.

Quarentine.

Penalties.

Officer and Person appointed to see *Quarentine* performed; or Watchman, knowingly and willingly permitting or suffering any Person, Ship, Goods or Merchandise to depart, or be conveyed out of any Town, &c. infected, unless in such Cases, and by such Licences, as shall be directed or permitted by Orders notified by Proclamation.

Guilty of Felony without Benefit of Clergy.

Ibid. Sect. 24.

Persons aggrieved by any Judgment of any Justice or Justices for any Offence against the Act 7 Geo. 1. c. 3. may appeal to Quarter-Sessions who are finally to determine the same.

[Two] His Majesty may order Ships to be provided, or cause Houses or Lazarets to be erected for the receiving and entertaining of Persons infected with the Plague, or obliged to perform *Quarentine*, and also Sheds, Tents, and other Places proper for the depositing, opening and airing of Goods and Merchandises to continue for such Term, as his Majesty shall think proper, in convenient Places within *Great Britain* and *Ireland*, to be allowed and appointed by two or more Justices of the Peace for the County, &c. living near thereunto, under their Hands and Seals, either in waste Grounds or Commons; or where such waste Grounds or Commons are not sufficient, in any other Grounds, not being a House, Park, Garden, Orchard, Yard, planted Walk or Avenue to a House, paying such Rate, Rent or Consideration for the same, as shall be agreed between the Persons interested, their Guardians or Trustees, and any two Persons appointed by his Majesty under his Sign Manual.

Ibid. Sect. 5.

Next Justices, when any Town or Place shall be infected with the Plague, or Lines and Trenches shall be made, &c. to order such sufficient Watches by Day and Night upon such Town, &c. as they shall think fit, And upon such Houses, Lazarets, Ships, or other Places, for performing *Quarentine*; who shall not permit or suffer any Person, Ship, &c. to depart or be conveyed out of such Town, &c. so appointed for performing *Quarentine*, without a Licence.

Ibid. Sect. 10.

[Qu. Sess.] To adjudge, determine, assess, and settle Differences, concerning such Rate, Rent, or Consideration between Persons interested and the Persons appointed by his Majesty for Grounds, where the Waste or Common is not sufficient; and their Judgment and Determination is final.

Ibid. Sect. 5.

A P P E N D I X.

Offences.

Quarentine.

Penalties.

All Watches directed by Virtue of this Act, are to be maintained at the County Charge or Riding, and the Money is to be raised as for County Gaols and Bridges. To be paid to the Chief Constable of each Division, who is to distribute it according to the Order of Sessions.

Ibid. Sect. 23.

Persons aggrieved by any Judgment of any Justice or Justices, for Offences against this Act, may appeal to Quarter-Sessions, who are finally to determine the same.

See also the Statutes 11 *Geo. 1. c.* . and 6 *Geo. 2. c.* 34. whereby some further Provision is made for performing *Quarentine*, &c.

Queen's Bench. See *Bates*, in *Tit. Poor*.

Reconciled to the Church of Rome, and Relists. See *Tit. Papists*.

Recusancy.

[One] IF the Minister, Petty Constables, or Churchwardens of any Parish, or any two, complain of any Person (under the Peerage) suspected for Recusancy.

Stat. 7 *Jac. 1. c.* 6. Sect. 26.

To tender the Oath of Allegiance, and upon Refusal, to commit till next Assize or Sessions, where if he refuses again, he incurs a *Præmunire*: But Feme Coverts shall be imprisoned only, to remain there, till they take the Oath.

[Two] To summon and convene before them all such Persons within their Jurisdiction, &c. suspected to be dangerous, or disaffected to the Government, and tender the Oath of Abjuration.

Upon Refusal.

Stat. 6 *Ann. c.* 14. Sect. 7.

Quor. 1.

To certify the Christian Name, Surname, and Place of Abode to the next Quarter-Sessions; if he takes it not next Term, or Sessions after Certificate, is a Popish Recusant Convict.

See *Recusancy*, in *Tit. Papists*.

Regrators. See *Tit. Forestallers, and Ingrossers*.

Riots

A P P E N D I X

Riots and Rioters.

Offences.

[One] **I**F twelve or more Persons are Riotously and Tumultuously assembled, he may by Proclamation require and command them to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business.

Stat. 1 Geo. 1. c. 5. Sect. 1.

Penalties.

And if they continue together an Hour after, 'tis Felony without Clergy.

The Form of the Proclamation.

OUR Sovereign Lord the King chargeth and commandeth all Persons, being assembled, immediately to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, upon the Pains contained in the Act made in the first Year of King George I. for preventing Tumults and riotous Assemblies.

God save the King.

Every Justice within his Jurisdiction is required, on Notice or Knowledge of any riotous and tumultuous Assembly, to resort to the Place, and there to make or cause to be made Proclamation in Manner aforesaid.

1 Geo. 1. c. 5. Sect. 2.

Rioters demolishing, or pulling down, or beginning to demolish or pull down any Church or Chapel, or any Building for religious Worship, certified and registred according to the Statute 1 W. & M. c. 18. or any Dwelling-house, Barn, Stable, or other Outhouse.

Stat. 1 Geo. 1. c. 5. Sect. 4.

Felony without Clergy.

Knowingly to let, hinder, or hurt any Person beginning to make Proclamation, whereby such Proclamation shall not be made; and the Rioters, to whom it should have been made, if not hindred, not dispersing themselves, but continuing together

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an

Felony without Clergy.

[M]

A P P E N D I X.

Offences.

Riots and Rioters.

Penalties.

an Hour after such Let or Hindrance.

Stat. 1 Geo. 1. c. 5. Sect. 5.

The Statute 1 Geo. 1. c. 5. against Rioters to be read openly at every Quarter-Sessions. Sect. 7.

Note; All Prosecutions upon the Statute 1 Geo. 1. c. 5. to be commenced in twelve Months. Sect. 8.

[Two] With the Sheriff or Under-Sheriff, shall by the Power of the County, suppress Riots, Routs, and unlawful Assemblies, upon View to record it, commit the Offenders, and return the Record into the *King's Bench*, by which they shall be convict: If the Offenders be gone, Enquiry to be made in a Month, and the Matter determined according to Law. The Penalty of not doing this, 100 Pounds.

Stat. 13 H. 4. c. 7. Sect. 4.

Riots, &c. shall be suppress'd and enquired of, at the King's Charge, which the Sheriff is to disburse, by Indenture between the Justices and him.

Stat. 2 H. 5. c. 8. Sect. 2.

Persons guilty of heinous Riots.

Stat. 2 H. 5. c. 8. Sect. 2.

One Year's Imprisonment, with-

out Bail.

Together with the Sheriff, under their Hands and Seals to certify a Riot to the Lord Chancellor, to the End he may send out a *Capias* against the Rioters.

Stat. 2 H. 5. c. 9. Sect. 2.

To testify, That the common Fame runs in the same County of the same Riot, before a *Capias* shall be awarded, upon 2 H. 5. c. 9.

Stat. 8 H. 6. c. 14. Sect. 2.

If a Riot, &c. by Maintenance, or Embracery of the Jurors, be not found.

Stat. 19 H. 7. c. 13. Sect. 11.

They, with the Sheriff, or Under-Sheriff, are to certify the Names of such Maintainers, and Embracers, which shall be a Conviction; and they shall forfeit twenty Pounds a-piece, and to remain in Prison, at the Discretion of the Justices.

Robberies.

A P P E N D I X

Robberies.

Offences.

[One] **T**O take the Oath of the Person robbed, whether he knows the Persons who robbed him, or any of them; and if he knows any of them, he is to enter into a sufficient Bond to prosecute the Person, or Persons, so by him known, by Indictment, or otherwise, according to Law.

Stat. 27 Eliz. c. 13. Sect. 11.

Penalties.

[Two] Two Justices dwelling within, or near the Hundred, where the Robbery is committed, shall set a Tax upon every Parish within the Hundred, for the Payment of the Money whereof the Party is robbed.

Stat. 27 Eliz. c. 13. Sect. 5.

Quar. 1.

Rockets. See Squibs.

Rogues. See Tit. Vagabonds.

Runaways.

[Two] **P**ERSONS running away and leaving their Charge to the Parish.

Stat. 7 Jac. 1. c. 4. Sect. 8.

See Stat. 12 Ann. Sess. 2. c. 4.

To be punished as incorrigible Rogues.

Persons, who threaten to run away, and leave their Charge to the Parish.

Stat. 7 Jac. 1. c. 4. Sect. 8.

See 12 Ann. Sess. 2. c. 23.

To be sent to the House of Correction, there to be punish'd as sturdy Rogues (unless they put in sufficient Sureties to discharge the Parish) and not to be delivered, but at a Meeting of the Justices, or in open Sessions.

See Tit. Vagabonds.

Runners of Foreign Goods. See Smuglers.

A P P E N D I X.

Sacrament.

Offences.

[Three] **T**O take Informations, upon Oath, of two lawful Persons at least, against any Person, who shall speak or do any Thing in Contempt of the most Holy Sacrament; and to bind over by Recognizance, every Accuser and Witness in five Pounds a-piece, to appear at the next Sessions, and prosecute.

Stat. 1 Ed. 6. c. 1. Sect. 1.

Penalties.

To send out two Writs, *Capias Exigend'* and *Capias Utlegat'*, against Contemners of the Holy Sacrament, in all Counties and Liberties; and upon their Appearance to fine and imprison them, or to take Bail for their Appearance, to be tried at Sessions.

Stat. 1 Ed. 6. c. 1. Sect. 3.

To direct a Writ in the King's Name to the Bishop of the Diocese, where the Contemner of the Sacrament committed the Offence, by which Writ he shall be required to present himself (or some for him sufficiently learned) at the Arraignment of the Offender, to give Advice concerning the Offence committed.

Stat. 1 Ed. 6. c. 1. Sect. 4.

Sadlers. See **Shoemakers.**

Sail-Cloth.

[One] **A**T the End of every Piece of *Sail-Cloth*, the Maker to stamp his Name and Place of Abode in plain Letters and Words at length; and selling or exposing to Sale any such Piece unstamp'd.

Stat. 4 Geo. 2. c. 27. Sect. 8.

On Oath by one Witness, and forfeits five Pounds for every such Piece.

Wilfully cutting off, destroying or erasing any Stamp so affixed, or using any Stamp, mark'd with

On Conviction, (not said how) forfeits for every Offence ten Pounds.

A P P E N D I X

Offences.

Salt-Cloth.

Penalties.

with the Name and Place of another Person, and not his real Name.

Ibid.

[Two] Both which Forfeitures to be levied by Distress and Sale, by Warrant of two Justices; to the Informer's Use.

Ibid.

Starch. See Tit. Excise.

Salt.

[One] **O**Wners of Salt seised, not making it appear before the next Justice, within ten Days after Seizure, by the Oath of one or more Witnesses, That the Salt was duly enter'd, and that there was a Warrant for carrying away the same.

Stat. 5 & 6 W. & M. cap. 7. Sect. 7.

Salt not measured by a Bushel of eight Gallons Winchester Measure, by fit Measurers, sworn and admitted by a Justice without Fee.

Stat. 5 & 6 W. & M. cap. 7. Sect. 18.

The Salt shall be forfeited, one Moiety to the King, the other to him who seised, and the Owner shall forfeit double the Value.

Double the Value of the Salt so measured.

To take the Affidavit of the Quantity of Rock-Salt, melted and refined.

Stat. 5 & 6 W. & M. c. 7. Sect. 26.

Persons removing or conveying any Salt from any Salt-Works, or Place thereunto belonging, without due Entry of the same, and Payment, or Security, or without Warrant, Ticket, or Licence, for removing the same.

Stat. 1 Ann. Sect. 1. cap. 21. Sect. 4.

Due Proof.

To be seised, and if not able to pay the Penalties, and no sufficient Distress, to be committed to the House of Correction, to be whipped, and kept to hard Labour, not exceeding one Month.

Persons

[M 3]

Twenty

A P P E N D I X

Offences.

Salt.

Penalties.

Persons hindring or obstructing any Officer, or Officers, for the Salt-Duties, in the Execution of his or their Offices, or shall beat or abuse them.

Stat. 1 *Ann.* Sess. 1. cap. 21. Sect. 4.

Due Proof.

No Salt to be brought out of *Scotland* by Land.

Stat. 2 & 3 *Ann.* c. 14. Sect. 7.

[Two] Officer having due Notice, and neglecting or refusing to attend Weighing Salt, which is enter'd, to be put on Board any Ship or Vessel, or carried by Land, and the Duty paid, or secured, and all other Monies due on Account of Salt delivered.

Stat. 9 & 10 *W. 3.* c. 6. Sect. 3. Party to be summoned.

Confession, or two Witnesses.

Every Maker or Curer of White Herrings in that Part of *Great Britain*, called *England*, *Wales*, and *Berwick upon Tweed*, before he remove any White Herrings (except for Exportation) from the Office or Place where cured, must enter them at the next Salt-Office, and pay the Duty. And the Quantity must be marked on the Cask, and upon the Entry and Payment of the Duty the Salt-Officer to give a Permit.

Stat. 8 *Geo. 1.* c. 16. Sect. 2.

[Three] *Badger*, *Retailer*, or other Person, making, or dealing in Salt, or buying Salt to sell again, otherwise than by Weight, after the Rate of fifty-six Pounds Weight to the Bushel.

Stat. 9 & 10 *W. 3.* c. 6. Sect. 1. Party

Twenty Pounds; and for Non-payment, and in Default of Distress, to be committed to the House of Correction, to be whipped and kept to hard Labour, not exceeding a Month.

The Salt forfeited, and twenty Shillings a Bushel; and if not paid, to be committed to the next Gaol, for six Months, without Bail or Mainprize.

Forty Shillings to the Informer.

To be levied by Distress and Sale, unless redeemed in six Days; and for Want of Distress, Imprisonment, till Satisfaction be made.

An Appeal lies to the Quarter-Sessions.

The White Herrings removed or carried away before Entry and Duty paid, or Cask marked, forfeited; and forty Shillings for every Cask or Vessel removed.

One Moiety to his Majesty, the other to the Officer, who shall seize the same.

To be recovered, levied, and mitigated in such Manner, as Penalties by any Law of Excise are recoverable.

Five Pounds to the Informer, to be levied by Distress and Sale, unless redeemed in six Days; and for Want of Distress, Imprisonment, till Satisfaction be made.

An Appeal lies to the Quarter-Sessions.

A P P E N D I X

Offences.

Salt.

Penalties.

Party to be summoned, Confession,
or two Witnesses,

[*Qu. Sess.*] To certify the Proof of Salt taken by the Enemy, or perished at Sea, in order for the Owners to have the Duty repaid, or Security delivered up.

Stat. 12 *Ann.* Sess. 2. c. 2. Sect. 7.

See the Stat. 3 *Geo.* 2. c. 20. And *Note*; by Stat. 5 *Geo.* 2. c. 6. all the Duties on Salt are revived for three Years.

Scavenger. See Westminster.

[*One*] **H**ouse-keepers in the County of *Middlesex*, and City of *Westminster*, which are within the *Weekly Bills of Mortality*, and in *Kensington* not sweeping the Streets before their Houses, on *Wednesdays* and *Saturdays*.

Stat. 2 *W. & M.* c. 8. Sect. 2.

View, Confession, or one Witness.

Persons laying or suffering to be laid any Sea-coal Ashes, Dust, Dirt, &c. in any open Street, Lane, or Alley, before their own Houses, or any publick Places.

Stat. 2 *W. & M.* c. 8. Sect. 2.

View, Confession, or one Witness.

Persons laying any Ashes, Dirt, or Soil, before the Houses or Walls of Inhabitants, or any Churchyard-Wall, or the Queen's Palace; or throwing, or causing to be thrown into any common Sewer, or Highway, or any private Vault, any noisome Thing whatsoever.

Stat. 2 *W. & M.* c. 8. Sect. 2.

Conviction, *ut supra*.

Three Shillings and four Pence a Day, to be levied by Distress and Sale; if not paid within six Days, to be committed till Payment.

This Penalty enlarged to ten Shillings by Stat. 8 & 9 *W.* 3. c. 37.

To be employed, if upon Conviction by the Evidence, one Moiety to the Poor, the other to the Informer. If upon View, one Moiety to the Poor, the other to the Repair of the Highways.

Five Shillings, to be levied and employed, *ut supra*.

Twenty Shillings, to be levied, and employed, *ut supra*.

A P P E N D I X

Offences.

Scavenger.

Penalties.

The respective Church-wardens, and the Housekeepers, and other Keepers of *Whitehall, Somerset-house, St. James's House and Park*, the Guard-houses, and Stables, &c. the Ushers, Porters, or Keepers of Courts of Justice. *Ibid.*

To suffer the like Penalties for the like Offences, and to be levied and employed, *ut supra.*

Persons hooping, washing, or cleaning any Vessels in Streets, Lanes, or open Passages; or setting any Dung, Soil, Rubbish, or empty Coaches to make or mend, or rough Timber, or Stones to be sawn or wrought.

Twenty Shillings for every Offence, to be levied and employed, *ut supra.*

Stat. 2 *W. & M. c. 8. Sect. 4.*
Conviction, *ut supra.*

Rakers, Scavengers, &c. not bringing Carts, and by a Bell, or otherwise giving Notice of their Coming, and not daily (except Sundays and Holidays) carrying away the Dirt, Dust, &c.

Forty Shillings for every Offence, to be levied and employ'd, *ut supra.*

Stat. 2 *W. & M. c. 8. Sect. 5.*
Conviction, *ut supra.*

Inhabitants, and Owners of Houses unoccupied, not *paving the Streets*, before their Doors.

Twenty Shillings a Rod or Perch for every Default, and twenty Shillings a Week, till amended; to be levied and employed, *ut supra.*

Stat. 2 *W. & M. c. 8. Sect. 8.*
Conviction, *ut supra.*

Owners and Inhabitants of Houses new built, not *paving* or otherwise amending the Ground before their Houses and Buildings.

Forty Shillings for every Perch, and the like for every Week, till amended; to be levied and employed, *ut supra.*

Stat. 2 *W. & M. c. 8. Sect. 7.*
Conviction, *ut supra.*

Scavengers duly chosen, and refusing.

Ten Pounds, to be levied, *ut supra*; and employed in Mending and Repairing the Highways and Streets of the same Parish.

Stat. 2 *W. & M. c. 8. Sect. 9.*
Conviction, *ut supra.*

[Two] Scavengers Tax to be made, after a Pound-Rate, by Constables, &c. and other antient Inhabitants, for a Year, to be allowed by two Justices,

A P P E N D I X

Offences.

Scavenger.

Penalties.

stices, payable Quarterly; and, in Case of Refusal, to be levied by Distress and Sale; and for Want of Distress, to be imprisoned till Payment.

Stat. 2 *W. & M.* c. 8. Sect. 2. Sect. 10.

Scavengers refusing to account within twenty-eight Days after the Election of new Scavengers.

Stat. 2 *W. & M.* c. 8. Sect. 2. Sect. 11.

To be committed till they account, and pay over the Money in their Hands to the new Scavengers.

To appoint vacant Places, near the Streets, for the Scavengers to lay the Dirt, &c. in giving Satisfaction to the Owners, and in Case of unreasonable Demand, to moderate the Price.

Stat. 2 *W. & M.* c. 8. Sect. 12.

Note; If any Conviction upon the Stat. 2 *W. & M.* c. 8. or on the Stat. 8 & 9 *W.* 3. c. 37. shall be by View or Knowledge of a Justice of Peace, then one Half of the Penalty shall be to the Poor, the other towards Repairing Highways, and Cleansing the Streets, to be paid to the Scavenger, otherwise to the Relief of the Poor.

Stat. 8 & 9 *W.* 3. c. 37. Sect. 2.

[*Qu. Sess.*] Justices of the Peace in any City or Market-Town (not having already Provision made for them by any former Law) at their General or Quarter-Sessions, may appoint *Scavengers*, and order the Repairing and Cleansing the Streets; and may appoint Persons, or make Assessments on Owners and Occupiers of Lands and Houses equally, not exceeding six Pence in the Pound, to defray the Charges of such Scavengers, to be levied in eight Days, by Distress and Sale.

Stat. 1 *Geo.* 1. c. 52. Sect. 9.

• **Seamen.** See *Boys bound to Sea in Tit. Apprentice.*

Serpents. See *Squibs.*

Servants.

[*One*] **S**ervants to Clothiers, Woollen-Weavers, Tuckers, Fullers, Cloth-workers, Sheermen, Dyers, Hosiers, Tailors, Shoemakers, Tanners, Pewterers, Bakers, Brewers, Glovers, Cutlers, Smiths, Farriers, Curriers, Sadlers, Spurriers, Turners, Cappers, Hat or Felt-makers, Fletchers, Arrow-head-makers, Butchers, Cooks, Mil-

To be bound over to the Sessions. The Cause to excuse, must be proved by two Witnesses.

A P P E N D I X.

Offences.

Servants.

Penalties.

lers, refusing to serve for Statute-Wages; or (being retained) departing without a Quarter's Warning, or lawful Cause, to be allowed by a Justice.

Stat. 5 Eliz. c. 4. Sect. 9.

Masters, being Clothiers, or any of the Trades above-mentioned, putting away his Servant without a Quarter's Warning, or lawful Cause to be allowed by a Justice, and proved by two Witnesses.

Stat. 5 Eliz. c. 4. Sect. 8.

One retained in Service to work, and departing without Licence.

Stat. 5 Eliz. c. 4. Sect. 11.

To give a *Testimonial* under his Hand to Labourers, that they had not sufficient Work in the Place, where they dwelt, that they might get Work in other Shires in the Time of Harvest, for which he may take one Penny.

Stat. 5 Eliz. c. 4. Sect. 23.

[Two] Servants assaulting Master, Mistress, Dame, or Overseer.

Stat. 5 Eliz. c. 4. Sect. 21.

Unmarried Women fit to serve, being above twelve, and under forty, refusing to serve for convenient Time and Wages.

Stat. 5 Eliz. c. 4. Sect. 24.

To hear and determine the Breach of 5 Eliz. c. 4. upon Indictment, or otherwise, and award Process and Execution accordingly. The Forfeitures (except those otherwise limited) to be divided between the King and Prosecutor.

Stat. 5 Eliz. c. 4. Sect. 39.

[Du. Sect.] Servants to Clothiers, &c. refusing to serve for the Wages limited, according to the Statute; and being retained, departing his or their Service without a Quarter's Warning, or some lawful Cause.

Stat. 5 Eliz. c. 4. Sect. 9.

Forty Shillings, to be inflicted at Sessions, and they to be bound over.

One Month's Imprisonment.

One Year's Imprisonment, or less, or to be bound over to the Sessions, there to receive such open Punishment, as shall be thought convenient, Life and Member excepted.

Imprisonment.

To be imprisoned without Bail, but upon Submission to perform the Service, to be enlarged without Fees.

A P P E N D I X

Offences.	Servants.	Penalties.
A Servant having serv'd in one City or Town, and getting to serve in another, without a Testimonial. Stat. 5 <i>Eliz.</i> c. 4. Sect. 11.	To be imprisoned till he procure one; if he procure it not in twenty Days, to be whipped as a Vagabond.	
A Master taking a Servant without a Testimonial. Stat. 5 <i>Eliz.</i> c. 4. Sect. 11.	Five Pounds.	
See Wages.		

Sewers.

[*Six*] **A**FTER the End of ten Years, all Laws, Ordinances, and Constitutions, made by Virtue of any Commission of *Sewers*, shall be in Force for one Year; and *six* Justices may execute such Commission, and Law, &c. unless in the Interim a new Commission issues.
Stat. 13 *Eliz.* c. 9. Sect. 2.
Quor. 2.

[*Qu. Sess.*] To swear the Commissioners of *Sewers*.
Stat. 23 *H. 8.* c. 5. Sect. 5.

Sheep.

[*Qu. Sess.*] **H**E that keeps in his own Possession at any one Time above 2000 Sheep.
Stat. 25 *H. 8.* c. 13. Sect. 1.
The Prosecution for the King to be within three Years; for a Subject, within one.

Three Shillings and four Pence a piece.

Lambs not to be accounted Sheep till Midsummer, twelve Months after their Fall.

1000 Sheep to be reckoned after the Rate of 120 to the 100.

Executors, Infants, Spiritual Persons, or Temporal Persons, for House-Provisions excepted.

Transporting Sheep beyond Sea.
Stat. 8 *Eliz.* c. 3. Sect. 2.

First Offence, Forfeiture of Goods, to be divided between the Queen and the Prosecutor. To be imprisoned for

A P P E N D I X.

Offences.

Sheep.

Penalties.

for a Year, and to have his Hand cut off in some open Market.
Second Offence, Felony.

Sheriff.

[One] Sheriff, Under-Sheriff, or Sheriff's Clerk, entering in the County-Court any Plaint in the Absence of the Plaintiff, or his Attorney, or having above one Plaint for one Cause.

Stat. 11 H. 7. c. 15. Sect. 8.

Forty Shillings, to be divided between the King and the Prosecutor.

To examine this Matter; and if the Party be found guilty, to certify the Examination into the *Exchequer*, within three Months on Pain of forty Shillings.

The Certificate is a Conviction.

[Qu. Sess.] Sheriffs, Under-Sheriffs, Clerks, Bailiffs, Gaolers, Coroners, Stewards, Bailiffs of Franchises, and all other Officers, who act contrary to

Stat. 23 H. 6. c. 10. Sect. 1.

Forty Pounds to be divided between the King and the Prosecutor.

The Justices, who are to have the Controlment of the Sheriff, and his Estreats, are to be named in *Michaelmas* Sessions, by the *Custos Rotulorum*, or (in his Absence) by the Eldest of the *Quorum*.

Stat. 11 H. 7. c. 15. Sect. 20.

Sheriffs, Coroners, and other Persons having Return of Writs, not returning Jurors, and not levying Issues according to

Stat. 27 Eliz. c. 7. Sect. 2.

Five Marks to the Queen, upon Conviction, Process to issue for the Levying of it.

Every Bailiff of a Franchise, Deputy, or Clerk of a Sheriff, or Under-Sheriff, intermeddling with their Offices before they are sworn.

Stat. 27 Eliz. c. 12. Sect. 4.

Forty Pounds to be divided between the Queen and the Prosecutor; upon Conviction to award Process.

Note; The Original Poll-Books, &c. of Elections of Knights of the Shire, are to be delivered on Oath by the Sheriffs, or returning Officers, to the

A P P E N D I X.

Offences.

Sheriff.

Penalties.

the Clerk of the Peace, and by him kept among the Records of the Sessions of the Peace.

Stat. 10 Ann. c. 23. Sect. 5.

See Tit. **Forcible Entry and Detainer**, Tit. **Dath**, and Tit. **Wages of Knight of the Shire**.

Ships.

[Two] Persons entering Ships in Distress, without Leave of the Commander (except Officers of the Customs, Constables, or others by their Order) or molest the Assistants, or endeavour to hinder the Saving of the Ships or Goods, or when saved, deface the Marks before taken down in a Book.

Stat. 12 Ann. Sess. 2. cap. 18. Sect. 3.

[Three] Persons assisting Ships in Distress, and preserving the same, or their Cargoes, to be paid by the Commander, Master or Owner, within thirty Days after, a reasonable Reward for their Service.

Stat. 12 Ann. Sess. 2. cap. 18. Sect. 2.

Shall within twenty Days after make double Satisfaction to the Party grieved, at Discretion of two next Justices; or in Default, be by them sent to the next House of Correction to hard Labour for twelve Months ensuing.

In Default, the Ship, &c. to remain in Custody of the Officer of the Customs, till all Assistants be reasonably gratified; and in Case of Disagreement, three near Justices named by the Officer, shall adjust the *Quantum* to be paid each Assistant.

And if no Person claims the Goods, the chief Officer of the nearest Port to apply to Three of the nearest Justices, who are to put him, or some other responsible Person, in Possession of the Goods, taking an Account in Writing thereof, to be signed by the said Officer, and if *perishable*, sold presently, or else kept a Year.

12 Ann. Sess. 2. c. 18. Sect. 2.

Shoemakers.

A P P E N D I X

Shoemakers.

Offences.

[One] Journey-men Shoemakers, within the *Weekly Bills*, purloining, imbezilling, selling, pawning, or exchanging Boots, Shoes, Slippers, Leather, Lasts, Silk, or other Materials, &c. delivered him by the Master. One Justice may summon the Party, or grant a Warrant to apprehend him; and on his Appearance or Default, examine the Fact, &c.

Stat. 9 Geo. 1. c. 27. Sect. 1.

For a second like Offence.

Ibid. Sect. 1.

Persons buying, receiving, or taking in Pawn, from any Journey-man Shoemaker, &c. or other Person, any Boots, Shoes, or Slippers, or other Materials, &c. not being the proper Goods of the Person selling or pawning.

Ibid. Sect. 2.

If Persons employed by one Master in making Boots, Shoes, &c. neglect their Work by being retained by any other Person before it is finished, &c.

Ibid. Sect. 4.

[Two] Within the *Weekly Bills*, on Complaint on Oath, may issue Warrants to search by Day, the Houses, &c. of Persons suspected of having such Goods, &c. *ut supra*, and on Refusal break open any House, &c.

Ibid. Sect. 3.

Penalties.

And on Conviction by Confession or one Witness, award him to make immediate Satisfaction; and on Non-payment, levy it by Distress, &c. and if none found, cause him to be whipped.

Commitment to the House of Correction, not exceeding a Month, nor less than fourteen Days.

On Conviction, *ut supra*, award Satisfaction within two Days, or levy it by Distress, &c. and if none, cause him to be whipped.

On Conviction by one Witness, to be sent to Correction and Labour, not exceeding one Month.

Opposing such Search, forfeits ten Pounds to the Prosecutor, recoverable by Action at *Westminster*, if sued for within two Months.

A P P E N D I X.

Offences.

Shoemakers.

Penalties.

If on Search any such Goods are found, &c. shall cause them to be restored to the Owner, and oblige the Offender to make Satisfaction for the Damage in detaining and getting the same.

Ibid. Sect. 3.

[*An. Sess.*] Shoemakers not making their Boots, &c. of good and sufficient Stuff, nor sewing them well, and selling on *Sunday*.

Stat. 1 *Jac.* 1. c. 22. Sect. 28.

In *London* the Master and Wardens of the Company of *Shoemakers, Curriers, Girdlers and Saddlers*, to search every Quarter at least, and view all Wares made of tann'd Leather, and to seise all insufficient Wares.

Stat. 1 *Jac.* 1. c. 22. Sect. 29.

On Refusal of such Satisfaction, to be punished as Journeyman purloining, &c. *ut supra*.

Three Shillings four Pence for every Offence, and the Value of the Wares made and sold, to be divided one Third to the King, one to the Prosecuter, and the other to the City, Borough, Town, or Lord of the Liberty, where the Offence is committed.

Forty Shillings for every Year's Default, to be divided between the King and Prosecuter.

Silk.

[*One*] **S**ilkwinders, and Doub- lers, purloining, selling, or detaining Silk, deliver'd by Silk- throwers, and the Buyers and Re- ceivers of such Silk.

Stat. 13 & 14 *Car.* 2. cap. 15. Sect. 7.

— 20 *Car.* 2. c. 6. Sect. 3.

Confession, or one Witness.

This extends to all Persons, who shall imbezil, pawn, or sell, or detain any Silk delivered to any Silk- Manufactures, Agents, Journeymen, Wappers, and Winders, by Stat. 8 & 9 *W.* 3. c. 36. Sect. 6.

To pay such Recompence and Sa- tisfaction for Damage, Loss, and Charges, as he shall order, not ex- ceeding what the Party proves: If the Party be not able to make Satis- faction, or if he be, and do it not in fourteen Days, to be whipped and set in the Stocks.

To be committed to Prison, or House of Correction, till Satisfaction be made, or Punishment inflicted.

Silkthrower.

A P P E N D I X.

Silkthrower.

Offences.

[Qu. Off.] **E**xercising the Trade of a Silkthrower, not having served seven Years.

Stat. 13 & 14 Car. 2. cap. 15. Sect. 2.

Penalties.

Forty Shillings a Month, one Moiety to the King, the other to the Prosecutor.

Silver Plate, See Wrought Plate,

Smuglers or Runners of Foreign Goods.

[One] **P**ersons found passing (knowingly) with any Foreign Goods or Commodities landed from any Ship or Vessel, without the due Entry and Payment of the Duties, in their Custody, from any of the Coasts of this Kingdom, or within twenty Miles of any of the said Coasts; if more than five in Company; or carry any offensive Arms or Weapons, or wear any Vizard, Mask, or other Disguise, when passing with such Goods; or forcibly hinder or resist any Officer of the Customs or Excise, in the seizing Run-Goods, are

Stat. 8 Geo. 1. c. 18. Sect. 6.

Returning into *Great Britain* or *Ireland*, before the Expiration of seven Years.

Persons Receiving or Buying any Goods, Wares, or Merchandizes, clandestinely run or imported before the same shall have been legally condemned, knowing the same to be so clandestinely run or imported.

Guilty of Felony, and to be transported for seven Years to some of his Majesty's Plantations or Colonies in *America*.

Felony without Benefit of Clergy, &c.

Forfeit twenty Pounds, to be levied by Distress and Sale, &c.

And for Want of Distress, to be committed to Prison without Bail or Mainprize for three Months.

One Moiety of the above Penalty to the Informer, the other to the Poor

A P P E N D I X

Smuglers, or Runners of Foreign Goods.

Offences.

One or more credible Witnesses, or Confession.

Stat. 8 Geo. 1. c. 18. Sect. 10.

[Two] All Seizures of Vessels or Boats of fifteen Tuns, or under, by Virtue of the Act 8 Ann. For Granting new Duties of Excise, &c. And of an Act for continuing several Impositions, &c. to raise Money by Loan for the Service of 1710. or of any other Act relating to the Revenue of Customs, for carrying uncustomed or prohibited Goods from Ships, inwards, or for Relanding Certificate or Debenture Goods from Ships outwards: And all Seizures of Horses, or other Cattle, or Carriages, for being used in the Removing, Carriage, or Conveyance of such Goods contrary to the said Acts.

Stat. 8 Geo. 1. c. 18. Sect. 16.

Penalties.

Poor of the Parish where Offence committed.

To be examined into, proceeded upon, heard, adjudged, and determined by two or more Justices, residing near the Place where such Seizure shall be made, whose Judgment is final, and not liable to Appeal, or Certiorari.

Note; Justices of London and Westminster have the like Power in Summoning, examining, &c. such Seizures, made in the said Cities, as Justices of any other County or Place have.

Ibid. Sect. 17.

And the Penalties on Smuglers, &c. by 11 Geo. 1. p. 486. are by several Clauses in Stat. 12 Geo. 1. p. 564, 574. recoverable as by the Laws of Excise. See Tit. **Excise**.

See also the Stat. 2 Geo. 2. c. 28. Sect. 1 and 2. That several Clauses in the Act 5 (*Quer.* if not 8) Geo. 1. against clandestine Running of uncustomed Goods, and more effectually preventing Frauds in the Customs, which relates to the Importation of Foreign Brandy, Arrack, Rum, &c. (no Rum, &c. being to be imported in Casks, &c. under twenty Gallons) in any Ship or Vessel under fifteen Tuns, are revived and continued till 29 Sept. 1734. and End of the following Session.

A P P E N D I X.

Soldiers and Mariners.

Offences.

[Qu. Seff.] **A** Soldier lifted *de-*
parting without
Licence.
Stat. 7 H. 7. c. 1. Sect. 2.
Stat. 2 & 3 Ed. 6. c. 2. Sect. 6.

Penalties.

Felony without Benefit of Clergy.
The Trial to be in the County
where apprehended.

To charge every Parish towards a weekly Relief of maimed *Soldiers* and *Mariners*, so as no Parish pay weekly above ten Pence, nor under two Pence, nor any County, which consists of above fifty Parishes, pay above six Pence, one Parish with another.

Stat. 43 Eliz. c. 3. Sect. 6.

Upon a Certificate under the Hand and Seal of the chief Commander, or of the Captain, under whom a *Soldier* or *Mariner* served, a Quarterly Pension is to be allowed him, till revoked or altered; he who hath not born Office, not to exceed ten Pounds. An Officer under a Lieutenant fifteen Pounds. A Lieutenant twenty Pounds.

Stat. 43 Eliz. c. 3. Sect. 8.

A Person commanded to muster, absenting himself without lawful Excuse, or not bringing his best Arms.

Stat. 4 & 5 P. & M. cap. 3. Sect. 2.

Ten Days Imprisonment without Bail, unless he agrees to pay forty Pounds, to be estreated into the *Exchequer*.

Any Person authorized to muster or levy Soldiers, exacting or taking any Reward to discharge, or spare any from the Service.

Stat. 4 & 5 P. & M. cap. 3. Sect. 3.

Ten times so much as he shall exact, or take: one Moiety to the Crown, the other to the Prosecutor.

A Captain or other Officer, after he shall have (for a Reward) licensed a Soldier to depart, not paying him his Wages, and Coat, and Conduct-Money.

Stat. 4 & 5 P. & M. cap. 3. Sect. 4.

Ten times so much as he shall take, to be divided between the Crown and the Prosecutor, and to the Soldier three times so much as he should have paid him.

See the *Mutiny and Desertion Act*, 1 Geo. 2. *vers. finem*.

South Sea Company. See Felony.

Spirits.

A P P E N D I X

Spirits.

Offences.

[Du. Sess.] **S**ervants and others wittingly and willingly assisting in Making Spirits, &c. contrary to Stat. 10 & 11 W. 3. c. 4. Sect. 1.

Penalties.

Six Months Imprisonment, without Bail or Mainprize.

See Tit. Excise.

Squibs.

[One] **N**O Person, of what Age, Sex, Degree or Quality soever, to make, sell, or utter, or offer, or expose to Sale any *Squibs, Rockets, Serpents*, or other *Fireworks*; or to permit or suffer any *Squibs, &c.* to be cast, thrown, or fired out of, or in their Houses, or Lodgings, or any Part or Place thereto adjoining, in any publick Street, &c. and to throw, cast, or fire, or to be aiding and assisting in Throwing, &c. any *Squibs, &c.* in or into any Street, &c. is a common Nuisance.

Stat. 9 & 10 W. 3. c. 7. Sect. 1.

Persons making, or causing to be made, giving, selling, or uttering, or offering, or exposing to Sale any *Squibs, &c.*

Stat. 9 & 10 W. 3. c. 7. Sect. 2.
Confession, or two Witnesses.

Persons permitting any *Squibs, &c.* to be cast, thrown, or fir'd from out of, or in their Houses, Shops, Dwelling or Habitation, or any Part thereof, into any Street, &c.

Stat. 9 & 10 W. 3. c. 7. Sect. 2.
Conviction, *ut supra*.

Persons throwing, casting, or firing, or being aiding and assisting in Throwing, &c. any *Squibs, &c.*

Stat. 9 & 10 W. 3. c. 7. Sect. 3.
Conviction, *ut supra*.

Five Pounds, to be levied by Distress and Sale; one Half to the Poor, the other to the Prosecutor.

Twenty Shillings, to be levied and employed, *ut supra*.

Twenty Shillings, to be employ'd, *ut supra*; and if not paid immediately to the Justice, the Party to be committed to the House of Correction, to hard Labour, not exceeding a Month; unless the Offender sooner pay the Money.

A P P E N D I X

Offences.

Squibs.

Penalties.

Note ; This Act extends not to the Master of the Ordnance, nor to the Artillery-Company.

Stamp-Duty.

[One] **M**AY administer the Oath to Commissioners about Apprentices Duty. 8 *Ann. c. 9. fo. 180.*
Counterfeiting or Forging Stamps. See *Felony & infra.*
Stat. 9 *Ann. c. 23. Sect. 41.*

Every Commissioner and Officer acting in Collecting the Stamp-Duties, to take the Oath following, appointed to be taken, by 9 *Ann. c. 19.* before two of the Commissioners, or one Justice of the Peace.
Ibid. Sect. 118.

The OATH.

I A. B. do swear, That I will faithfully execute the Trust reposed in me, pursuant to the Act of Parliament, whereby certain Duties are charged upon Surrenders and Admittances to Copyhold Lands or Tenements, and other the Matters and Things thereby directed, to be stamped, as is therein mentioned, without Fraud or Concealment, and will from Time to Time true Account make of my Doings therein, and deliver the same to such Person or Persons, as his Majesty, his Heirs, and Successors, shall appoint to receive such Account: And will take no Fee, or Reward, or Profit, for the Execution or Performance of the said Trust, or the Business relating thereunto, from any Person or Persons, other than such as shall be allowed by his Majesty, his Heirs, and Successors, or some other Person or Persons, by him, or them, to that Purpose authorized.

Ibid. Sect. 119.

Justice to give to the Officer a Certificate of his having taken the said Oath *Gratis.*

Sect. 136.

Counterfeiting or Forging any Stamp, made or used in Pursuance of the said Statute; or counterfeiting or resembling the Impression of the same, upon any Parchment or Paper, to defraud the Crown of the Duty; or Selling such Paper, &c. knowing it to be so; or privately and

Felony, without Benefit of Clergy.

A P P E N D I X

Offences.

Stamp-Duty.

Penalties.

and fraudulently using any Stamp, to defraud the Crown.

Ibid. Sect. 128.

To cause or procure to be forged or counterfeited any *Stamp* or *Mark*, to resemble any *Mark* or *Stamp*, made, or used in Pursuance of this, or any Act, relating to Stamp-Duties; or to cause or procure any Vellum, Parchment, Paper, Cards or Dice, to be marked or stamped with such Counterfeit Stamp or Mark.

Stat. 6 Geo. 1. c. 21. Sect. 58.

Felony, without Benefit of Clergy.

One Justice on Affidavit made of a private Work-house for making Cards or Dice (unstamped) may empower Persons to break it open.

6 Geo. 1. c. 2. fol. 427.

Note; Justices taking Recognizances for selling Ale, and not making out Licences thereon duly Stamp'd, forfeit ten Pounds. *Ibid.*

[Two] May determine pecuniary Forfeitures on any Stamp-Duty Act, not exceeding twenty Pounds; (but Appeal lies to Quarter-Sessions.)

Stat. 10 Ann. c. 19. fo. 264.

And may mitigate Penalties thereon, so as not to reduce them to less than double the Duty. *Ibid.* 298.

No *Certiorari* to be allowed against Justices proceeding on the said Act.

Ibid. fo. 298.

[Two] If any Person after 1 Aug. 1712. shall write or print any Surrender or Admittance of or to any Copyhold Estate in *Great Britain* or *Wales*, or any Grant or Lease by Copy of Court-Roll, &c. (except the Surrender to the Use of a Will) or any Matter directed to be stamp'd, by 10 Ann. c. 19. or shall sell or expose to Sale any Pamphlet or Newspaper (excepting Pamphlets exceeding one whole Sheet) before 'tis stamped.

Ibid. Sect. 117.

Ten Pounds, with full Costs for every Offence.

One Moiety to the Crown, the other Moiety with full Costs to the Prosecutor.

Sect. 132.

Every

[N 3]

Besides

A P P E N D I X

Offences.

Every Steward, or his Deputy, offending and being convicted.

Ibid.

Persons writing or printing any Thing on stamp'd Paper, after the Crown shall think fit to alter or renew the Stamps, after sixty Days, of the Intention of Altering or Renewing, shall be published by Proclamation.

Ibid. Sect. 122.

Printer and Publisher of any Pamphlet of more than one Sheet, and the Duty not paid, and the Title of it registred, and one Copy not stamped within the Time limited by the said Statute.

Ibid. Sect. 125.

All Pamphlets must have the Printer's or Publisher's Name printed thereon.

Ibid. Sect. 126.

Two or more Justices, residing near the Place where any Pecuniary Forfeiture, not exceeding twenty Pounds, upon this or any of the Acts of Parliament, touching the Duties under the Management of the Commissioners for Managing the Duties on stamp'd Vellum, Parchment, and Paper, shall be incurred, to hear and determine the same within one Year after Seizure made, or Offence committed, in a summary Way. And to award and issue out Warrants for levying the Penalties adjudged on the Offender's Goods, and to cause them to be sold, unless redeemed within six Days, rendering the Overplus. *Ibid.* Sect. 133.

See Stat. 5 & 6 W. & M. c. 21. And 9 Ann. c. 23.

Stamp-Duty.

Besides the said Forfeiture, shall lose his Place; and such Writing not good, nor to be given in Evidence, till five Pounds together with the ten be paid, and a Receipt produced under the Hand of the Receiver General of the Stamp-Duties, or his Deputy, and till the Vellum, &c. be stamped.

Forfeit as a Person writing on Paper not stamped.

Twenty Pounds, with full Costs.

One Moiety to the Crown, the other Moiety with full Costs to the Prosecutor.

Ibid. Sect. 132.

And the Author, Printer, and Publisher to lose the Property in the Copy, though the Title thereto be registred in *Stationers-Hall*; and any Person may freely print and publish the same, paying the Duty, without being liable to a Prosecution.

Twenty Pounds for every Offence, *ut supra*.

A P P E N D I X

Offences.

Stamp-Duty.

Penalties.

2. Whether the Party offending may not be committed (if he has no Goods whereon to levy) till he pay the Penalty.

In their Discretions,

Justices may mitigate Penalties as they shall think fit, the reasonable Cost and Charges of the Officers and Informers being first allowed over and above such Mitigation, and so as it does not reduce the Penalties to less than double the Duties, over and above the Costs and Charges.

Ibid. Sect. 134.

[**Qu. Sess.**] Persons aggrieved by the Sentence of two Justices, may appeal to the next Quarter-Sessions, who may examine Witnesses on Oath, and finally determine the same, and issue Warrants to levy.

Ibid. Sect. 133.

Note; No *Writ* or *Certiorari* lies to supersede Execution or other Proceedings upon any Order made in Pursuance of the above Statute.

Starch. See Tit. *Excise*.

Stolen Goods.

[**One**] **T**Aking Money or Reward, directly or indirectly, under Pretence, or upon Account of Helping any Person to any Stolen Goods or Chattels, unless he apprehend, or cause to be apprehended such Felon, who stole the same, and bring him to Trial, and give Evidence against him.

Stat. 4 Geo. 1. c. 11. Sect. 4.

[**Two**] Whoever shall discover, apprehend, and prosecute to Conviction of Felony without Benefit of Clergy, any Person for taking Money, or other Reward, directly or indirectly, to help any Person to stolen Goods (such Offender not having apprehended the Felon, who stole the same, and brought him to Trial for the same, and given Evidence against him) upon a Certifi-

cate

Guilty of Felony, and to suffer in the same Manner, as if he had stole such Goods himself.

Penalty of forty Pounds, to be recovered by Action of Debt, &c. on any Person taking more than five Shillings for a Certificate.

Note; The Reward of forty Pounds for apprehending and convicting any Person for Burglary, to be paid without any Deduction as aforesaid. Sect. 10.

A P P E N D I X.

Offences.

Stolen Goods.

Penalties.

cate under the Hand and Seal of the two next Justices, shall receive the Sum of forty Pounds, to be paid by the Sheriff.

Stat. 6 Geo. 1. c. 23. Sect. 9.

Streets paved. See Tit. **Scabenger and Westminster.**

Subornation of Perjury.

[Qu. Sess.] **S**uborning a Witness to give Testimony in any Court of Record, concerning any Lands, Goods, Debts, or Damages.

Stat. 5 Eliz. c. 9. Sect. 3.

Forty Pounds; and if he has not wherewith to satisfy the same, six Months Imprisonment, without Bail, to stand upon the Pillory in the same or next Market-Town where Offence was committed, and disabled to give Testimony in any Court of Record, till the Judgment be reversed by Attaint, or otherwise.

Note; One Justice may bind over, or commit the Offender.

See Tit. **Felony.**

Sunday.

[One] **P**ersons being present at Bear-baitings, Bull-baitings, Enterludes, Common Plays, and any other unlawful Pastimes on the Lord's Day.

Stat. 1 Car. 1. c. 1. Sect. 4.

View, Confession, or one Witness.

Prosecution in one Month.

Carrier, Waggoner, Carman, Wainman, or Drover, travelling on the Lord's Day about their respective Business.

Stat. 3 Car. 1. c. 1. Sect. 2.

View,

Three Shillings and four Pence for the Poor, to be levied by Distress, &c. in Default to sit in the Stocks three Hours.

Twenty Shillings for every Offence, to be levied, and employed, *ut supra.*

Third Part may be allowed to the Prosecutor.

A P P E N D I X.

Offences.

Sunday.

Penalties.

View, Confession, or two Witnesses.

Prosecution in six Months.

Persons of the Age of fourteen Years; and upwards, doing any wordly Labour or Business on the Lord's Day, Works of Charity and Necessity only excepted.

Stat. 29 Car. 2. c. 7. Sect. 1.

View, Confession, or one Witness

Persons publickly crying, or exposing to Sale any Wares, except Milk.

Stat. 29 Car. 2. c. 7. Sect. 1.

Conviction, *ut supra*.

View, Confession, or one Witness.

Drovers, Horse-Courfers, Waggoners, Butchers, Higlers, or their Servants, travelling on the Lord's Day.

Stat. 29 Car. 2. c. 7. Sect. 2.

Conviction, *ut supra*.

Persons using or travelling on the Lord's Day, with Boat, Wherry, &c. except allowed by a Justice, &c.

Stat. 29 Car. 2. c. 7. Sect. 2.

Conviction, *ut supra*.

Five Shillings to the Poor, to be levied by Distress and Sale; if not able, to be set in the Stocks two Hours.

The Wares to be seized, and sold for the Poor.

Twenty Shillings, to be employed, *ut supra*, to be levied by Distress and Sale; if not able, to be set in the Stocks two Hours.

Five Shillings, to be levied and employed, *ut supra*; and if not able, punished, *ut supra*.

A Part of the Penalties in this Act, not exceeding a Third, may be given to the Informer.

See Shoemakers and Butcher.

Surveyors. See Tit. Highways, and Westminster.

Swearing and Cursing.

[One] **P**ersons profanely Swearing or Cursing.

Stat. 21 Jac. 1. c. 20. Sect. 1.

Hearing of a Justice, Confession, or two Witnesses.

Twelve Pence for the Poor, to be levied by Distress, &c. or in Default, to be set in the Stocks three Hours, if the Offender be above twelve Years old; but if under, and

not

A P P E N D I X

Offences.

Swearing and Cursing.

Penalties.

Servants, Labourers, common Soldiers, Seamen, profanely swearing and cursing in the Presence or Hearing of a Justice of Peace.

Every other Person.

Stat. 6 & 7 W. 3. c. 11. Sect. 1.
Confession, or one Witness.
Prosecution to be in ten Days.

Justice omitting or neglecting to put in Execution the Act immediately above-mentioned.

Stat. 6 & 7 W. 3. c. 11. Sect. 3.
Prosecution, *ut supra*.

Person not reading the last mentioned Act, the next Sunday after every Quarter-Day yearly, immediately after Morning-Prayer.

Stat. 6 & 7 W. 3. c. 11. Sect. 6.
Prosecution, *ut supra*.

To register in a Book all Convictions upon Stat. 6 & 7 W. 3. c. 11. and the Time, and certify the same to the Quarter-Sessions.

Stat. 6 & 7 W. 3. c. 11. Sect. 7.

not paying, to be whipped by the Constable, or the Parent or Master, in the Constable's Presence.

One Shilling for the first Offence, for the second double, for the third treble, to the Use of the Poor.

Two Shillings first, second and third, *ut supra*, to the same Use, to be levied by Distress and Sale; if no Distress, to be set in the Stocks one Hour for one Offence, two Hours for more, if above sixteen Years of Age; if under, to be whipped.

Five Pounds.

Twenty Shillings for every Offension.

Tanners.

[One] **T**O administer an Oath to Tanners, and Dressers of Hides in England, That they did, within two Days after Taking Hide, or Skin, or Pieces thereof, or Vellum, or Parchment, out of Wooze, Mill, Liquor, or other Materials, make a true Entry, with the proper Officer, of the Number and Quality of the Hides, &c. so taken out to be dried.

Stat. 9 Ann. c. 11. Sect. 16.

To

A P P E N D I X

Offences.

Tanners,

Penalties.

To administer an Oath to Tanners, &c. that they give Notice to the proper Officer two Days before Removal of Hides, &c.

Stat. 9 Ann. c. 11. Sect. 16.

[Two] Tanner, or other Person, shaving, or causing to be shaved Hide or Calf-Skin before tanned, whereby it shall be impaired, or Duty diminished.

Prosecution in three Months.

An Appeal to the next Quarter-Sessions.

Stat. 9 Ann. c. 11. Sect. 11.

Every such Hide, or Skin, or the Value forfeited.

One Moiety to the Queen, the other to the Informer.

Justices may mitigate, so as the reasonable Costs and Charges in Prosecution be allowed over and above such Mitigation, so as the Penalty be not reduced to less than one fourth Part.

Sect. 37.

To continue for thirty-two Years.

See the Definition of tanned Hides, or Skins, Pieces of Hides, or Skins, Leather dressed in Oil, &c. and tawed Leather, in Stat. 9 Ann. c. 11. Sect. 3.

Tanners, Bazil-Tanners, Curriers, Tawers, *Spanish* Leather-Dressers, and all other Dressers of Hides, or Skins, or Pieces of Hides, or Skins, and all Makers of Vellum and Parchment, neglecting to give Notice in Writing to the proper Officer, of their respective Names and Places of Abode, and Tan-houses, Yards, Work-houses, Mills, or other Places for Tanning, Tawing, or Dressing any such Hides, or Skins, or Pieces thereof.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 15.

Owners, or Occupiers of Tan-yards, &c. refusing the proper Officer to enter.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 17.

Tanners, Tawers, Curriers, or Dressers of any Hides, or Skins, or Pieces thereof; or any Makers of Vellum

Fifty Pounds, one third Part to the Queen, the other two Thirds to the Informer,

Ten Pounds, to be divided, *ut supra*.

Mitigation, *ut supra*.

Twenty Pounds, and the Forfeiture of the Skins, &c. or the Value thereof; one Moiety to the Queen,

A P P E N D I X

Offences.

Tanners.

Penalties.

Vellum or Parchment, using any private Tan-yard, &c. or not giving timely Notice of taking the Hides, &c. out of the Wooze, &c. or Removing, Sending, or Carrying away the same, or any Part thereof; or hiding, or concealing any Skins, &c. or causing the same to be hid or concealed.

Prosecution and Appeal, *ut supra*.
Stat. 9 Ann. c. 11. Sect. 17.

Tanners, &c. not paying the Duties, with which Hides, Skins, &c. are chargeable.

Sending, delivering, or carrying out any Hides, &c. before the Duty is paid.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 25.

Tanners, &c. not keeping just Scales and Weights, or not permitting Hides, &c. to be weighed, or neglecting to bring the same to the Scale; or to assist at the Weighing, or Removing Hides, &c. or causing them to be removed, before the Duties be charged, and the Skins, &c. marked.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 26.

Tanners, &c. not accounting with the proper Officer once in three Months.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 27.

Queen, the other to the Informer.

Mitigation, *ut supra*.

Double the Duty.

Double the Value of such Hides so delivered, or carried out.

To be divided, *ut supra*.

Mitigation, *ut supra*.

Fifty Pounds, to be divided, *ut supra*.

Mitigation, *ut supra*.

Fifty Pounds, to be divided, *ut supra*.

Mitigation, *ut supra*.

Note; Collar-Makers, Glovers, Bridle-Cutters, and others, who dress any Skins, or Hides, or Pieces of Skins or Hides, in Oil, Allom and Salt, or Meal, or with other Ingredients, and who cut and make the same into Wares, are Tawers and Dressers within the Act, and subject to the Penalties and Forfeitures in the same.

Stat. 9 Ann. c. 11. Sect. 28.

Officer

A P P E N D I X

Offences.

Tanners.

Penalties.

Officer taking any Fee, or Reward for any Entries, Accounts, Per-
missions, Certificates, Marks, or Re-
ceipts.

Prosecution, and Appeal, *ut su-
pra.*

Stat. 9 *Ann.* c. 11. Sect. 35.

Five Pounds to the Party grieved,
for every such Offence.

To hear and determine all Offences against the Stat. 1 *Jac.* 1. c. 22.
concerning Tanners, within the Time, and in the Manner, and subject to
Mitigation and Appeal, *ut supra.*

Stat. 9 *Ann.* c. 11. Sect. 36 and 37.

Relanding, or putting on Shore
again, within *Great Britain*, any
Hides, Calve-Skins, Boots, Shoes,
Gloves, or other Manufactures of
Leather, shipp'd to be exported.

Prosecution, and Appeal, *ut su-
pra.*

Stat. 9 *Ann.* c. 11. Sect. 42.

Forfeiture of the same, and the
treble Value. One Moiety to the
Queen, the other to the Informer.

Mitigation, *ut supra.*

Note; The Judgment of the Justices is final, and no *Certiorari* to be
brought or allowed to remove any the Proceedings of the Justices of Peace,
relating to Offences committed against

Stat. 9 *Ann.* c. 11. *Ibid.* Sect. 47.

[*Qu. Sess.*] Butcher exercising
the Mystery of a Tanner.

Stat. 1 *Jac.* 1. c. 22. Sect. 4.

Six Shillings and eight Pence a
Day, to be divided. One Third to
the King, one to the Prosecutor, and
the other to the City, Borough,
Town, or Lord of the Liberty,
where the Offence is committed.

Persons exercising the Mystery of
a Tanner, not having served seven
Years as an Apprentice, or hired
Servant, except the Widow or Chil-
dren of a Tanner, and having been
brought up in that Profession four
Years, Cutters or Workers of Lea-
ther-Tanning.

1 *Jac.* 1. c. 22. Sect. 5.

Forfeit all the Leather they tan,
or the Value thereof, to be divided,
ut supra.

Persons buying rough Hides, or
Calves Skins in the Hair, except
such as can lawfully tan them.

1 *Jac.* 1. c. 22. Sect. 7.

Forfeit them, or the just Value,
to be divided, *ut supra.*

Persons

Six

A P P E N D I X

Offences.

Tanners.

Penalties.

Persons forestalling Hides, or buying them other-where than in open Fair or Market.

1 Jac. 1. c. 22. Sect. 7.

Tanner who over-limes his Hides, or useth in Tanning any Thing save Ash-Bark, Tapwork, Malt, Meal, Lime, Culver-dung or Hen-dung, or suffers them to be frozen, or parched with Fire or Sun; or tans rotten Hides, or works them in other Sort than is by the Statute limited.

1 Jac. 1. c. 22. Sect. 11.

Tanner, who by Mixtures raises any Hide for Sole-Leather not fit for that Use.

1 Jac. 1. c. 22. Sect. 14.

Persons putting to Sale tanned Leather, red and unwrought, but in Fair or Market, unless searched and sealed before, or offering to sell such Leather before it be searched and sealed.

1 Jac. 1. c. 22. Sect. 14.

Persons putting to Sale any Leather, insufficiently tann'd or dried.

1 Jac. 1. c. 22. Sect. 15.

Tanner hastening the Tanning of his Leather, by giving it unkind Heats with hot Wooze, or otherwise.

1 Jac. 1. c. 22. Sect. 17.

Six Shillings and eight Pence a Hide, to be divided, *ut supra*.

Forfeits every Hide so tann'd, and put to Sale, or the full Value thereof, to be divided, *ut supra*.

Forfeits it, to be divided, *ut supra*.

Six Shillings and eight Pence a Hide, and for every Dozen of Calf-Skins or Sheep-Skins, three Shillings four Pence, besides the Hides and Skins themselves, or the full Value thereof, to be divided, *ut supra*.

Forfeit the Whole, to be divided, *ut supra*.

Ten Pounds, to be divided, *ut supra*, and to stand upon the Pillory three Days in the next Market.

Tabern. See Tit. Alehouse.

Testimonial. See Servants.

Tobacco.

A P P E N D I X

Tobacco.

Offences.

[Two] **M**AY grant a special Warrant to search for, and seize Wal-nut-Tree Leaves, Hop-Leaves, &c. cut, mix'd, or manufactured to resemble Tobacco, and the Engines, &c. And if seized within six Miles of any Sea-Port, such Leaves, &c. to be brought to the next Custom-house Ware-house; and if at any greater Distance.

Stat. 1 Geo. 1. Sess. 2. cap. 46. Sect. 4.

Servants and Labourers employed in Cutting, Colouring, Curing, or Manufacturing any such Leaves, &c. to resemble Tobacco, or making a Mixture thereof, or knowingly vending the same.

One Witness.

Stat. 1 Geo. 1. c. 46. Sect. 5.

[Qu. Sess.] Two Justices of Peace may, at the Quarter-Sessions, present any Persons for sowing, planting, or making Tobacco, which Presentment is a Conviction in Law, and the Party forfeits forty Shillings for every Rod, unless he, having Notice in Writing ten Days before, shall traverse such Presentment, and find Sureties to prosecute next Quarter-Sessions.

Stat. 22 & 23 Car. 2. c. 26. Sect. 3.

Note; A Clause in Stat. 9 Geo. 1. c. prohibiting the Importation of Tobacco strip'd from the Stalk or Stem, is repealed by Stat. 2 Geo. 2. c. 9.

Penalties.

To secure them at the King's Cost, till the Cause of Seizure be determined by the Quarter-Sessions, who are to hear and determine the same at the farthest at the second Quarter-Session, after Seizure made.

After Condemnation, to be openly burnt or destroy'd, by Order of Sessions, at the King's Charge.

To be committed to the common Gaol, or House of Correction, to hard Labour, not exceeding six Months, without Bail or Mainprise.

Tobacco-pipe Clay.

[Q. S.] **E**Xporting Tobacco-pipe Clay.

Stat. 13 & 14 Car. 2. cap. 18. Sect. 7.

Three Shillings a Pound, to be divided between the King and the Prosecutor.

Toll. See Hay-market.

Transpor-

A P P E N D I X.

Transportation. See Felony.

Offences.

[One] **T**O rescue such Felon or Offenders, as are order'd for Transportation; and the Person aiding or assisting them in making their Escape.

Stat. 6 Geo. 1. c. 23. Sect. 5.

A Felon ordered for Transportation, and afterwards at large within *Great Britain*, without some lawful Cause, before the Expiration of the Term, for which he was ordered to be transported.

Stat. 6 Geo. 1. c. 23. Sect. 6.

Certificate of the Clerk of the Peace, containing the Effect and Tenor of the Indictment, and Conviction of such Felon, produced in Court, is a sufficient Proof.

Sect. 7.

Penalties.

Felony, without Benefit of Clergy.

On Conviction Felony, without Benefit of Clergy.

And may be tried either in the County where apprehended, or from whence order'd for Transportation.

See Smuglers or Runners of Foreign Goods.

[Two] The Lord Mayor of *London*, or one Justice of the Peace of *London*; and in other Places two Justices, may allow of Contracts by Persons above fifteen and under twenty-one Years of Age, with Merchants or others, for serving in the Plantations, not exceeding eight Years.

Stat. 4 Geo. 1. c. 11. Sect. 5.

The Court before whom Felons are convicted, may appoint, if they think fit, two or more Justices, to contract for the Performance of the Transportation of such Felons, to any of the Colonies and Plantations in *America*: And to order such sufficient Security, as directed by 4 Geo.

1. c. 11. And also to cause such

1

Felons

Contracts to be certified to the next Quarter-Sessions, and there registered without Fee, by the Clerk of the Peace.

Contracts and Security to be certified by the Justices to the next Court, held for the County, &c. to be filed and kept amongst the Records of such Court.

A P P E N D I X

Offences.

Transportation.

Penalties.

Felons to be delivered by the Gaolers to the Persons contracting for them.

Stat. 6 Geo. 1. c. 23. Sect. 2.

[Qu. Sess.] To order the Treasurer of the County, &c. for which the Court was held, that ordered such Felons to be transported, to pay all such Charges and Expences to such Person or Persons, as shall be employed for the Purposes aforesaid.

Stat. 6 Geo. 1. c. 23. Sect. 3.

All Securities for Transportation of Felons to be by Bond in the Name of the Clerk of the Peace of the County, &c. which said Clerks and their Successors shall prosecute such Bonds in their own Names (to which Purpose they are a Body Corporate) and to be paid such Costs, Charges, and Expences as the Quarter-Sessions shall direct, out of the publick Stock by the Treasurer of the County, &c.

Stat. 6 Geo. 1. c. 23. Sect. 4.

The Monies recovered on such Securities, to the Use of the County, &c. and paid to the Treasurer, to be Part of the County-Stock.

Note; The Persons contracting, and to whom such Felons are deliver'd, in order to be transported, or the Persons directed by the Justices, may carry and secure them in and through any County of Great Britain.

Stat. 6 Geo. 1. c. 23. Sect. 5.

Treasurer of the County.

[Qu. Sess.] THE Treasurer (or his Executors, &c.) who hath been negligent to execute his Office, or render an Account.

Stat. 43 Eliz. c. 3. Sect. 7.

Treasurers wilfully refusing to give Relief.

Stat. 43 Eliz. c. 3. Sect. 12.

Five Pounds at least;

Fineable, to be levied by Distress and Sale of Goods, by a Warrant of any two to be appointed by the Rest.

A P P E N D I X.

Offences.

Treasurer of the County.

Penalties.

Two Treasurers for the County are to be chosen yearly at *Easter-Sessions*, by the more Part of the Justices, out of such Subsidy-men as were taxed in the last Tax of Subsidies, at five Pounds Lands, or ten Pounds Goods.

Stat. 43 *Eliz.* c. 2. Sect. 14.

Treasurer for the County refusing to execute the Office, or distribute Relief, or account to their Successors, and pay the Monies in their Hands to the Lord Chief Justice of *B. R.* and the Knight Marshal, by equal Portions.

Stat. 43 *Eliz.* c. 2. Sect. 16.

Three Pounds at least, to be levied by Distress and Sale, and to be prosecuted by any two Justices, authorised by the Rest.

See Tit. **Bridges.**

Trees. See Tit. **Wood.**

Trepassers. See Tit. **Informers.**

Trophy-Money.

[Three] **T**O certify under their Hands and Seals, the Examination, Stating, and Allowance by the Quarter-Sessions, of *Trophy-Money* raised, levied and collected for any precedent Year.

Stat. 12 *Ann.* Sess. 1. c. 10. Sect. 2. and Sess. 2. c. 8. Sect. 2.

[Qu. Sess.] The Lieutenantcy shall not issue out any Warrants for levying *Trophy-Money*, till the *Justices of Peace*, or the major Part of them at their Quarter-Session, shall have examined, stated, and allowed the Accounts of the *Trophy-Money* last raised, levied, and collected for any preceding Year, and certified such Examination of the said Accounts under the Hands and Seals of three or more of them, to the respective Lieutenants, or their Deputies.

Stat. 12 *Ann.* Sess. 1. c. 10. Sect. 2. And Sess. 2. c. 8. Sect. 2.

Note; The Act of 1 *Geo.* 1. c. . about the Militia and *Trophy-Money*, is revived and continued for seven Years, and to the End of the next Session, by Stat. 9 *Geo.* 1. c. .

Turnpikes.

A P P E N D I X

Turnpikes. See Tit. Highways.

Offences.

[One] **P**ersons driving any Horse, Sheep, or other Cattle thro' any Grounds adjoining to the Ways where Turnpikes are erected, whereby the Toll is avoided.

Stat. 8 Geo. 1. c. 5. and other Statutes.

Owners or Occupiers of Lands adjoining, so permitting Passage.

Stat. 2 Geo. 2. c. 5. Sect. 4.

Disposing of Tickets to avoid the Toll.

Ibid. Sect. 12.

[Two] Persons maliciously breaking down or destroying any Turnpike, Gates, Posts, Walls, Fences, Rails, &c. erected to prevent Passengers, &c. from passing by without paying Toll.

Stat. 1 Geo. 2. Sess. 2. cap. 19. Sect. 1.

[Open and Terminus] Persons guilty of a *second like Offence*, or who shall maliciously break down any Lock, Sluice, or Floodgate, erected for preserving the Navigation of any River.

Ibid. Sect. 2.

[Du. Sess.] This Act to be read at every Quarter-Sessions, Leet, &c. and to continue for five Years, and to the End of the next Sessions of Parliament.

Ibid. Sect. 4.

May judge and determine when Ways are sufficiently repaired, and thereupon order the Toll to cease, on paying of the Money advanced, and Interest, though the Term of the Turnpike be not expired.

Stat. 8 Geo. 1. c. 5.

[O 2]

Penalties.

Ten Shillings on Conviction on Oath of one Witness, leviable by Distress, &c.

Ten Shillings on like Conviction, &c.

Forfeits ten Shillings.

On Conviction before two Justices or Sessions, on Oath of one Witness, Commitment to Gaol or House of Correction, and Labour for three Months, and also whipped in open Market.

Guilty of Felony, and may be transported for seven Years.

But *note*; the first like Offence is now Felony and Transportation for seven Years, &c. by Stat. 5 Geo. 2. c. 33. Sect. 1, 2.

Note;

APPENDIX

Offences.

Turnpikes, &c.

Penalties.

Note ; By divers Acts the Quarter-Sessions are to appoint Receivers or Collectors of Tolls of Turnpikes, who are weekly to Account on Oath, and pay the Money to the Surveyors, towards mending the Ways ; and the Collectors on refusing to pay the Toll, may distrain any Horse, Coach, Waggon, Oxen, &c. till the Toll and Charge of the Distress be satisfied. Also Collectors not Accounting, may be committed, (by a Special Session) to the common Gaol, without Bail. See Stat. 2 Geo. 2. c. 5. Sect. 6.

And Surveyors are (twice) yearly to yield an Account at the Sessions, of the Money received from the Collectors, and of their Disbursements, &c. And the Sessions may make them such Allowances for their Pains as they think fit. *Ibid.*

Surveyors refusing to take on them the Office, being thereto appointed by the Sessions, or to do their Duty therein, the Sessions may fine them, and appoint others.

Surveyors not accounting, or Collectors not paying to the Surveyors the Money by them received, to be committed to Gaol.

Also Surveyors, by an Order of Sessions, may mortgage the Profits of the Turnpikes, not exceeding the Terms granted, in order to raise Money at 5 per Cent. for Repair of Highways. See *ut supra*.

Quarter-Sessions may order Sheriffs to remove unwarrantable Turnpikes.

Stat. 5 Geo. 2. c. 33. Sect. 4.

See also the several late Statutes for Repairing particular Roads, &c.

Distresses. See *Aliboutts*.

Tithes.

[One] Persons substracting, or with-holding Tithes. Stat. 7 & 8 W. 3. c. 6. Sect. 3.	shall levy the Sum adjudged by two Justices, upon their Certificate, where the Party substracting, or with-holding, removes out of the County.
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Where

To

A P P E N D I X

Offences.

Tithes.

Penalties.

Where two Justices have adjudged what Sum any *Quaker* is to pay for great or small Tithes.

Stat. 7 & 8 W. 3. c. 6. Sect. 3.

[Two] Defendants in the Ecclesiastical Court, against whom the Judge complains for any Contumacy, or Misdemeanor, in any Suit there depending for Tithes.

Stat. 27 H. 8. c. 20. Sect. 1.

— 2 & 3 Ed. 6. c. 13. Sect. 13.

Quor. 1.

Persons, after a Sentence for Tithes in the Ecclesiastical Court, refusing to pay Tithes, or Sums of Money adjudg'd, upon a Certificate thereof from the Judge.

Stat. 32 H. 8. c. 7. Sect. 4.

— 2 & 3 Ed. 6. c. 13. Sect. 1.

Quor. 1.

To be levied by Warrant, under either of their Hands and Seals, by Distress and Sale.

To be committed to Prison, till they find sufficient Sureties to be bound by Recognisance, or otherwise, to obey the Process, Proceedings, Decrees, and Sentences of the said Court.

This extends not to London.

To be committed to the next Gaol, till they find Surety by Recognisance, to perform the Sentence.

This extends not to London.

Upon Complaint made, within two Years, against any Person for Substraction, or With-holding of small Tithes, under Hand and Seal, to summon the Person, and after Appearance, or Default (Summons being proved) to examine and determine the same; by Evidence upon Oath, and in Writing under Hand and Seal, to adjudge such reasonable Allowance for Tithes, and Costs, not exceeding ten Shillings, as they shall think fit, except in Case of Prescription; or *Modus decimandi*.

Stat. 7 & 8 W. 3. c. 6. Sect. 2.

Persons refusing or neglecting for ten Days after Notice to pay the Sum adjudged for Substraction of Tithes.

The Sum to be levied by Distress, and Sale in three Days after the Distress, unless paid before: All Charges to be deducted out of the Money raised by the Sale.

Where any Person makes a false and vexatious Complaint for Substraction, or With-holding of small Tithes, to give Costs not exceeding ten Shillings to the Party prosecuted.

Neither of the Justices, who put this Act in Execution, must be Patron.

Stat. 7 & 8 W. 3. c. 6. Sect. 12.

A P P E N D I X.

Offences.

Tithes.

Penalties.

Quaker refusing to pay, or compound for great or small Tithes, or to pay any Church-Rates.

Stat. 7 & 8 W. 3. c. 34. Sect. 4.

To be convened before two Justices, who are to examine upon Oath the Truth and Justice of the Complaint, and by Order under their Hands and Seals direct the Payment thereof, not exceeding ten Pounds.

If not Patrons, or interested in the Tithes, are on Complaint of any Parson, &c. to summon in Writing *Quakers*, and determine on Appearance; or in Default and Summons proved upon Oath, to hear and determine the Complaint, and make such Order as directed by Stat. 7 & 8 W. 3. And also to order such Costs and Charges, as they shall think reasonable, not exceeding ten Shillings.

Stat. 1 Geo. 1. c. 6. Sect. 2.

An Appeal lies.

[*Qu. Sess.*] May reverse the Judgment of two Justices, relating to Tithes on an Appeal; but if they affirm it, are to give Costs against the Appellant, to be levied, as provided by 7 & 8 W. 3. c. 34. unless the Title of such Tithes, &c. be in Question.

1 Geo. 1. c. 6. Sect. 2.

Vagabonds and Vagrants.

[*One*] **M**AY reward those, who apprehend Rogues, Vagabonds, &c. and bring them before him, by granting them a Warrant under Hand and Seal to the Constable, &c. of such Parish, where such Rogue, &c. passed unapprehended, to pay two Shillings for every Vagabond, on Pain of being proceeded against according to 39 Eliz. c. 4. and 1 Jac. 1. c. 1. and out of the Money forfeited, by 1 Jac. to allow two Shillings.

Stat. 13 & 14 Car. 2. c. 12. Sect. 16.

A Justice of one County may certify to a Justice of another.

Note; The Statute of 39 Eliz. and 1 Jac. 1. are repealed by Stat. 12 Ann. c. 23. but the Substance thereof re-enacted *see post*.

If the Constable refuseth to obey the Warrant above-mentioned.

Stat. 13 & 14 Car. 2. cap. 12. Sect. 17.

To cause such Constable to pay to such Persons as apprehend Vagabonds, &c. ten Shillings, or so much thereof for their Expences and Loss of Time, as he thinks fit, which be forfeited by 39 Eliz.

Vagabonds,

T9

A P P E N D I X

Offences. Vagabonds and Vagrants. Penalties.

Vagabonds, Beggars, &c.

Stat. 11 & 12 W. 3. cap. 18.
Sect. 1.

— 1 Ann. cap. 13. Sect. 2.
Sect. 6.

To be taken by the Constable, and carried before the next Justice, to be carefully examined, and either sent to the House of Correction, or to such Town of the next County, as he thinks most proper, giving the Constable a Certificate of the Persons so ordered to be punished, or conveyed, with the Manner how, and when, and whence conveyed, and with what Assistance; and to tax an Allowance for Pains and Trouble, according to the Rate, set in *Easter Quarter-Sessions* yearly.

Constables not apprehending Vagabonds, wandering Beggars, &c.

Stat. 11 & 12 W. 3. cap. 18.
Sect. 4.

— 1 Ann. cap. 13. Sect. 2.
Sect. 8.

Twenty Shillings, to be levied by Distress and Sale.

One fourth Part to the Informer, the other three to the Poor.

One Witness.

High Constable paying Money for passing Vagrants without the Petty Constable's producing a Receipt for such Vagrants.

Stat. 1 Ann. Sect. 2. cap. 13.
Sect. 8.

Twenty Shillings, to be levied by Distress and Sale.

To send such as are Vagrants, within the Stat. 39 Eliz. c. 4. into the Sea-Service.

Stat. 2 Ann. c. 6. Sect. 16.

Patent-Gatherers, or Collectors for Prisons and Gaols, *wandering for that Purpose*; Fencers, Bearwards, *Common Players of Interludes*, Minstrels, Juglers, *though not wandering*; Gypsies or Egyptians, or wandering in their Habit or Form; Pretenders to Physiognomy, or Palmistry, or like crafty Science, or Fortune-telling, or like phantastical Imaginations; Users of any subtle Craft, or unlawful Games or Plays; able-bodied Persons, who run away, and leave their

Wives

Are *Rogues and Vagabonds*, and may be apprehended by the Constable, or other Officer, Inhabitant, or any other there being; and conveyed to a Justice of the same County, City, Borough, or Town Corporate, in or near the Parish or Place, where so apprehended, and may be punished by being *whipped till Bloody, &c.* *infra.*

A P P E N D I X.

Offences.

Vagabonds and Vagrants,

Penalties,

Wives and Children to the Parish, and not having otherwise to maintain themselves, use *Loitering*, and *refuse to work* for usual and common Wages; and other idle Persons, *wandering abroad and begging*, excepting Soldiers, Mariners, &c. licensed by a Testimonial under the Hand and Seal of a Justice, mentioning the Time and Place of their Landing, and to which they are to pass, during such Passing only.

Stat. 12 Ann. Sess. 2. cap. 23. Sect. 1.

To charge Inhabitants, &c. to apprehend and deliver to the Constable, or to carry before a Justice, where no Constable, &c. is found, any Rogue or Vagabond, resorting to any House to beg.

Stat. 12 Ann. Sess. 2. cap. 23. Sect. 2.

To reward any Person so apprehending, &c. by ordering by his Warrant the Constable, &c. where the Rogue, &c. was found begging, and passed unapprehended, to pay him two Shillings for apprehending, &c.

Ibid. Sect. 3.

To examine Rogues, &c. apprehended by the Constable, or others, or on a privy Search made, touching their Condition and Circumstances, Places of Abode and Birth, &c. and transmit the same to the Quarter-Sessions.

Ibid. Sect. 4.

To convey Rogues, &c. by a special Pass, to the Places of their Birth, &c. or if under fourteen, to the Abode of their Father, or Mother; or otherwise to the Place where last found begging, and passing unapprehended.

Ibid. Sect. 4.

If the Justice shall adjudge such Person an *incorrigible Rogue*, he may commit him to the House of Correction, or County-Gaol, to hard Labour, till the Quarter-Sessions. And Rogues, &c. refusing to be examined, or on Examination giving a false Account of themselves, their Birth, last Settlement,

Constables, Officers or Inhabitants refusing, and convicted by Oath of one Witness before a Justice, forfeits ten Shillings to the Poor, levied by Distress, &c. on a Warrant of one Justice.

On Constables, &c. refusing Payment, by Warrant to levy, by Distress and Sale of such Constable's Goods, twenty Shillings, and allow the Person two Shillings out of the same, and such Recompence for his Trouble, Loss of Time, and Expenses, as he shall think fit.

A P P E N D I X.

Offences. Vagabonds and Vagrants. Penalties.

element, &c. are to be deemed *incorrigible Rogues*, of which the Justice is to inform them, during Examination.

Ibid. Sect. 9.

Not to pass any Rogue, &c. to the Place of Birth before Examination; nor after, if a Place of *legal Settlement* can be found.

Ibid. Sect. 10.

Shall with the *Pass* deliver to the Constable a Certificate, ascertaining how they shall be passed, and whether, and in what Time, and what Allowances to the Constables, or Officer, who is to convey and deliver them to the Constable of the next Place, with the *Pass*, taking a Receipt for the same on the Back of the Certificate. And the second Constable, &c. is to apply to another Justice, who is to cause such Rogue to be whipped, or sent to the House of Correction, and afterwards order him to be conveyed with the same, and a new Certificate to the next County or Precinct, &c.

Ibid. Sect. 18.

May examine Constables and Officers on Oath, touching such Conveying, &c. and to whom he delivered the Person conveyed.

Ibid. Sect. 19.

May send to the House of Correction to hard Labour a Rogue, who being passed, *ut supra*, refuseth to work, or undertake some Service, or Employment in the Parish, or Place, where conveyed.

Ibid. Sect. 20.

On Forfeiture of five Pounds for every Offence, to be recovered by Action of Debt, &c.

Petty Constables, &c. counterfeiting a Certificate, or not conveying, &c. forfeit twenty Pounds, besides the Sum so fraudulently taken, Half to the Poor, and Half to the Informer, to be levied by Distress, &c. on Warrant of one Justice.

N. B. No Constable, &c. is obliged to receive such Rogue, unless it appear he hath been whipped, &c. except as in the Act.

Refusing to be examined, or neglecting their Duty, they forfeit the Sums intitled to by the Certificate.

And if the Parish shall not employ him, but encourage, or voluntarily permit him to escape, the Charge of Re-apprehending him, &c. may be computed, and levied by one Justice's Warrant on the Constables, Church-wardens, &c. of the said Parish by Distress, &c.

Note; If the Parish in Default be in another County, the said Justice's Warrant (ascertaining the Charge) is to be brought to a Justice of that County, who is to levy it; *ut supra*, to be paid for the Benefit of the County, or Place, where the Charge was; and the Constables, &c. on whom levied,

A P P E N D I X

Offences. Vagabonds and Vagrants. Penalties.

levied, may put the same in their Rates, to be allowed by the Inhabitants of the Parish, or Place in Default.

Ibid.

A Rogue conveyed and passed, as aforesaid, and again wandering, &c. one Justice may, on Proof thereof,

Ibid.

Send him to the House of Correction, to hard Labour, till the Quarter-Sessions.

See post.

A Vagrant having no legal Settlement, or found a common Beggar for two Years, or a dangerous and incorrigible Rogue.

By Confession, or one Witness.

Stat. 12 Ann. Sess. 2. cap. 23. Sect. 21.

May be bound an Apprentice for seven Years, and the Master may send him to the Plantations, &c. but must give a Recognizance, not to sell him to any Alien.

An Appeal lies to the Quarter-Sessions.

Constables, &c. on Complaint of two Inhabitants, may remove loose, idle, and disorderly Persons, Blind, Lame, &c. from Begging in the Streets, &c.

Ibid. Sect. 24.

And if they refuse to depart, or offend a second Time, may (by a Justice's Warrant) cause them to be whipped until bloody.

Constables, &c. neglecting or refusing so to do, or causing to be done; on Oath thereof within twenty-four Hours, by two Witnesses, before one Justice.

Ibid.

Forfeit ten Shillings to the Poor, to be levied by such Justice's Warrant by Distress, &c.

See infra.

Masters or Commanders of Ships, bringing from Ireland, Isles of Jersey, Guernsey, Scilly or Plantations, any Rogue, Vagabond, or Beggar, being born there, and wandering, begging, or disordering himself here.

Note; The Constable, &c. where found wandering, &c. may apprehend him, and cause him to be whipped, and re-conveyed.

Ibid. Sect. 27.

Forfeits five Pounds for every Rogue, &c. so brought, besides the Charges of Apprehending and Re-conveying; both which the Justice, on the Constable's Oath of the *Quantum*, &c. is by Order under Hand and Seal to direct to be paid; and if not paid on Demand, by like Warrant to levy it by Distress, &c. of the Ship, or Goods therein, while within his Jurisdiction.

Note; If the Ship be gone out of the Justice's Jurisdiction, the said Order may be removed by *Certiorari*, and filed in *B. R.* and the Judges there are to direct Process for Arresting the Ship, until the Money mentioned in the Order, and the Charge of the Process are fully satisfied, or else levy the

A P P E N D I X.

Offences. Vagabonds and Vagrants. Penalties.

the said Money by *Capias*, *Fi. Fa.* or *Elegit*, against the said Master or Owner. But such Order may be traversed on giving Security of fifty Pounds, to answer the Costs and Charges, if determined against him.

Ibid.

Masters of Ships bound for *Ireland*, or Isles aforesaid, may by a Justice's Warrant be compelled to take on Board, and convey thither such Vagrants named in the Warrant, as have been settled there, the Constable, &c. who serves the Warrant, paying him so much for each Vagrant, as the Quarter-Sessions shall appoint; and the Master to sign a Receipt for the Money paid, and Vagrants delivered, on Back of the Warrant, which being produced to the Justice, who made it, and he allowing the same under his Hand, the Money so paid shall be repaid by the County in such Manner, as by this Act the Money for conveying Vagrants from County to County is to be paid.

Stat. 12 *Ann.* Sess. 2. cap. 23. Sect. 29.

Constables and other Officers failing of their Duty, or remiss or negligent therein, or any other disturbing or hindring the Execution of this Act; or rescuing any Person apprehended; or assisting his Escape, and convicted by View of the Justice, or one Witness.

Stat. 12 *Ann.* Sess. 2. cap. 23. Sect. 30.

[Two] Persons running away, and leaving their Charge to the Parish.

Stat. 7 *Jac.* 1. c. 4. Sect. 8.
Two Witnesses.

Refusing to receive on Board, or to transport such Vagrant, or to endorse, and sign such Receipt, forfeits fifty Pounds to the Poor, to be levied by Distress or Sale of the Ship, or Goods therein, by Warrant of a Justice, returning the *Overplus* after the said Penalty and Charges of Levying paid.

Forfeit for every such Offence twenty Shillings to the Poor, to be levied by Distress and Sale of Goods on a Justice's Warrant, returning the *Overplus* after the Penalty and Charges of Distress.

To be punished as incorrigible Rogues.

Persons,

To

A P P E N D I X

Offences. Vagabonds and Vagrants. Penalties.

Persons, who threaten to run away, and leave their Charge to the Parish.

Ibid.

Two Witnesses.

To be sent to the House of Correction, there to be punish'd as sturdy Rogues (unless they put in sufficient Sureties to discharge the Parish) and not to be delivered, but at a Meeting of the Justices, or in open Sessions.

Note; All Fines set by Virtue of Stat. 7 Jac. 1. c. 4. are to be paid to, and accounted for, by the *Treasurer of the County*.

Stat. 7 Jac. 1. c. 4. Sect. 9.

Two or more to meet before every Quarter-Sessions, and by Warrant to command the Constables of every Hundred (who shall be assisted with sufficient Men) to make a general *privy Search* in one Night through their several Limits for Rogues and Vagrants, and to bring them before any one Justice.

12 Ann. Sess. 2. c. 23. Sect. 3.

[*Qu. Sess.*] At Easter Sessions yearly, to ascertain and set down the several Rates, that shall for the Year ensuing be allowed for Maintaining, Conveying and Carrying of Vagrants, and Copies to be delivered to the Justices by the Clerk of the Peace *gratis*.

Stat. 1 Ann. Sess. 2. cap. 13. Sect. 6.

To take Care about raising Money for passing Vagrants, as Monies are raised for Repair of County-Bridges, and to see the Money applied; but no Order to be made for Payment, till the *Treasurer* has Money in his Hands.

Stat. 5 Ann. c. 32. Sect. 2.

To order a dangerous and incorrigible Rogue to be whipped three Market-Days, and then re-committed to the House of Correction, or Gaol, to hard Labour, for what Time they think meet. And *Note*; a voluntary Escape afterwards out of the said House or Gaol, is *Felony*.

Stat. 12 Ann. Sess. 2. c. 23. Sect. 9.

To appoint Rates or Allowances *per Mile* for passing Rogues, &c. and to make other Orders and Directions therein, at Discretion.

Stat. 12 Ann. Sess. 2. c. 23. Sect. 15.

To raise Money for that Purpose, as for County Gaols and Bridges, to be paid Quarterly to the chief Constables, so as they have a Quarterly Payment before-hand, who are to Account Half-yearly, and pay Petty Constables, &c. such Rates, as are allowed them by a Justice's Certificate.

Ibid. Sect. 16.

A P P E N D I X.

Offences. Magabonds and Vagrants. Penalties.

May enquire and punish Defaults or Neglects of Officers, &c. of any Parish or Place, to which a Rogue shall be brought, in permitting or encouraging their Escape or Departure, after they are pass'd thither.

Ibid. Sect. 21.

May adjudge such, as wander after they are so conveyed and pass'd, and sent to the House of Correction, dangerous and incorrigible Rogues, and order them to be punished accordingly, if they cannot give Security for their Good Behaviour for a Year, to be approved by the Sessions.

12 Ann. Sess. 2. c. 23. Sect. 21.

A Person adjudged a Vagrant, or common Beggar for two Years, or an incorrigible Rogue, or bound Apprentice, or ordered to be sent to the Plantations, may appeal to the Quarter-Sessions, and their Determination to be final.

Stat. 12 Ann. Sess. 2. c. 23. Sect. 23.

To appoint Rates for Masters of Ships, for re-conveying Rogues, &c. brought from Ireland, Isles of Man, Jersey, Guernsey, Scilly, or Plantations, at so much an Head for each; and also like Rates for conveying Vagrants to Ireland, or the said Islands, if their last Settlement was there.

Ibid. Sect. 29.

Vellum and Parchment.

[One] **T**O take the Affidavit of the Maker of Paper, Vellum, Parchment and Paste-board, what the Value of the same is, for which he is to pay 20 l. per Cent. Tax.

Stat. 8 & 9 W. 3. c. 7.

[Two] Where Complaint is made by Owner of any Papers, Parchment, Vellum, or Paste-board, that the same hath been seized for any Offence against the Act 8 & 9 W. 3. c. 7. they are to summon Witnesses, and examine the Cause of the Seizure upon Oath, and to hear and determine the Matter between the Owner and the Seisor.

Ibid.

Complaint must be made in eight Days after the Seizure is made.

Note; An Appeal lies to the Quarter-Sessions.

Wittualler. See Tit. Blehouse.

Under-

A P P E N D I X

Under-Sheriffs.

Offences.

[Two] **E** Very Under-Sheriff, before he intermeddles with his Office, not taking the Oath of Supremacy, and also the following Oath.

Stat. 27 Eliz. c. 12. Sect. 2.

Quor. 1.

I A. B. will not use, nor exercise the Office of Under-Sheriff corruptly, during the Time that I shall remain therein; neither shall or will accept, receive, or take by any Colour, Means or Device whatsoever, or consent to the Taking of any Manner of Fee or Reward of any Person or Persons, for the Impanelling or Return of any Inquest, Jury, or Tales, in any Court of Record for the King, or betwixt Party and Party, above two Shillings, or the Value thereof; and such Fees as are allowed and appointed for the same by the Laws and Statutes of this Realm, but will according to my Power truly and indifferently, with convenient Speed impanel all Jurors, and return all such Writ or Writs touching the same, as shall appertain to be done by my Duty or Office, during the Time I shall remain in the said Office.

So help me God.

Bailiffs of Franchises, Deputies, or Clerk of a Sheriff, or Under-Sheriffs intermeddling with their several Offices, before they have taken the said Oaths.

Ibid.

Forfeit forty Pounds, *ut supra*.

[Qu. Bess.] Have Power to hear and determine the Defaults and Offences aforesaid.

Ibid.

See **Sheriffs**.

Wages.

A P P E N D I X

Wages.

Offences.

[Two] **G**ivers of greater Wages, than are set by the Justices in *Easter-Sessions* yearly.

Stat. 5 *Eliz. c. 4. Sect. 18.*

Takers of more Wages, than are set by the Justices.

Stat. 5 *Eliz. c. 4. Sect. 19.*

Penalties.

Five Pounds, and ten Days Imprisonment, without Bail.

One and twenty Days Imprisonment, without Bail.

To hear and determine all Wages, Demands, Frauds, and Defaults of Labourers in the *Woollen, Linen, Fustian, Cotton, and Iron Manufactures*, for, or concerning any Work done in the same Manufactures.

Stat. 1 *Ann. Sess. 2. c. 18. Sect. 4.*

Witnesses to be summoned. An Appeal lies to the *Quarter-Sessions*.

See *Tit. Clothiers, Servants, &c.*

Wages of the Knights of the Shire.

[Qu. Sess.] *Sheriffs, Coroners, Chief Constables, and Bailiffs*, not being present at Assessing the Wages of Knights of the Shire, which is four Shillings a Day.

Stat. 23 *H. 6. c. 11. Sect. 1.*

Forty Shillings.

The Sheriff, or other Officer, who levies more, than is assessed for the Knights of the Shires Wages.

Stat. 23 *H. 6. c. 11. Sect. 1.*

Twenty Pounds to the King, ten Pounds to the Prosecutor.

Wages of Burgeses.

[Two] To tax every City and Borough in the several Counties in *Wales*, where they inhabited respectively, towards the Wages of the Burgeses, which is 2 s. a Day.

Stat. 35 *H. 8. c. 11. Sect. 4.*

Alaggon

A P P E N D I X

Waggon and Waggoners.

Offences.

[One] Travelling with Waggon, Wain, Cart, or Carriage, with above six Horses, Oxen, or Beasts.

Stat. 6 Ann. c. 29. Sect. 3.

This extends not to such as carry Hay, Straw, Corn, Coal, Chalk, Timber, Materials for Building, Stone of all Sorts, Ammunition or Artillery.

Any Person or Persons may discover and prosecute Persons drawing with more than six Horses, &c. contrary to Stat. 6 Ann. c. 29. and seize and detain all or any the Horse, &c. the same to be delivered to the Surveyors of the Highways, or other Officer of the Place, where, &c. and if the five Pounds be not paid in three Days, the Distress to be sold, and the Money to be delivered to the Justice, to be distributed, as by the said Act is directed.

Stat. 9 Ann. c. 18. Sect. 1.

Persons refusing or neglecting to carry Horse, &c. distrained for Driving with above six Horses, to the Surveyor, or other Parish Officer.

Stat. 9 Ann. c. 18. Sect. 2.

Surveyors of the Highways, or other Parish Officer, refusing, or neglecting to deliver the Sum of Money, or Penalty by him received, to the Justice.

Stat. 9 Ann. c. 18. Sect. 2.

Persons employed by any Carrier, or other Person subject to the Penalties in the said Acts of 6 and 9 Ann. driving, or assisting in the Driving, with more than six Horses, &c.

Stat. 9 Ann. c. 18. Sect. 3.

Penalties.

Five Pounds, to be levied by Distress and Sale of any of the said Beasts, in three Days.

One Moiety to the Highways, the other Moiety to the Prosecutor, so as he be an Inhabitant of the Town, Village, or Place.

Twenty Pounds, to be levied by Distress and Sale; for Want of Distress, to be committed to the common Gaol, till Payment.

One Moiety to the Informer, the other to be laid out in the Repair of the Highways.

Twenty Pounds, to be levied and disposed, *ut supra*.

Five Pounds, to be levied and disposed, *ut supra*.

A P P E N D I X

Offences. Waggon and Waggoners. Penalties.

No travelling Waggon, Wain, Cart, or Carriage, wherein Goods shall be carried, other than according to the Stat. 6 Ann. c. 29. to be drawn, or go in any publick Highway or Road, with above five Horses, Oxen, or Beasts, at Length.

Stat. 1 Geo. 1. c. 11. Sect. 1.

Carter, Drayman, Carman, Waggoner or other Person, riding in any Cart, &c. not having another on Foot to guide it, in the Streets of London and Westminster, Southwark, or other Streets within the Bills of Mortality.

One Witness.

Stat. 1 Geo. 1. c. 11. Sect. 2. cap. 57. Sect. 8.

No Waggon travelling for Hire shall go, or be drawn with more than six Horses, either at Length, or in Pairs, or Sideways.

Stat. 5 Geo. 1. c. 12. Sect. 1.

The Horse, or Horses, or other Thing so seized or distrained, to be delivered to the Constable, or other Parish Officer of the Place where, &c. till Proof upon Oath be made before some Justice of the Offence, who is to issue his Precept to such Constable, &c. to deliver the Horse or Horses so forfeited, to the Person, who seized or distrained the same, and to allow reasonable Charges for keeping and securing the Horse, &c.

5 Geo. 1. c. 12. Sect. 2.

No Cart travelling for Hire shall go, or be drawn with more than three Horses.

5 Geo. 1. c. 12. Sect. 1.

No Waggon travelling for Hire, having the Wheels bound with Streaks, or Tire of less Breadth than two Inches and an Half, when worn, or being set or fastned on with Rose-headed Nails, shall go or be drawn with more than three Horses.

5 Geo. 1. c. 12. Sect. 3.

Upon the like Forfeitures, in the 6 Ann. c. 29. or in the 9 Ann.

Forfeit ten Shillings, to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Poor of the Parish, where, &c.

In Default of Payment to be committed to the House of Correction, for three Days to hard Labour.

Owner or Driver forfeits all the Horses above six, and all Geers, Bridles, &c. to the Use of the Person, who shall seize the same.

Owner, or Driver, forfeits all the Horses above three, and all Geers, &c. and to be seized, distrained, and applied, *ut supra*.

Forfeits, *ut supra*.

A P P E N D I X

Offences. Waggon and Waggoners. Penalties.

Persons hindring, or with Force attempting to hinder, or obstruct the Seisures, &c. made by Virtue of this Act, or who shall rescue, or use any Violence to Persons concerned in making such Seisure, &c.

5 Geo. 1. c. 12. Sect. 4.
One Witness.

To be committed to the common Gaol for three Months, without Bail or Mainprize.

And also forfeit ten Pounds for every Offence.

To be levied by Distress and Sale, if the Penalty be not paid within three Days.

Note; This Act extends not to Waggon, Wains, Carts, or Carriages, employed in and about Husbandry, or manuring Land, and carrying of Cheese, Butter, Hay, Straw, Corn unthreshed, Coals, Chalk, or any one Tree, or Piece of Timber, or any one Stone, or Block of Marble, Caravans, and covered Carriages of Noblemen and Gentlemen, for their own private Use, or Timber, Ammunition, or Artillery for the King's Use.

5 Geo. 1. c. 12. Sect. 5.

Persons carrying at any one Load, in the Cities of London and Westminster, or within ten Miles thereof, in Waggon or Carts, having their Wheels shod or bound with Tire or Streaks of Iron, more than twelve Sacks of Meal, each containing five Bushels, and no more; nor more than twelve Quarters of Malt, nor more than seven hundred and an Half of Bricks; nor more than one Chaldron of Coals.

Stat. 6 Geo. 1. c. 6. Sect. 1.

One Witness.

Forfeit one of the Horses, together with the Geers, Bridles, &c. to any Person, that shall seize or distress the same: In such Manner, and to such Uses as the Penalties and Forfeitures are to be levied and applied by the Stat. 5 Geo. 1. c. 12.

[Two] Persons refusing to provide Carriages for the King for ready Money tendered, or refusing to appear.

Stat. 13 Car. 2. c. 8. Sect. 2.

1 Jac. 2. c. 10. Sect. 2.

5 & 6 W. & M. c. 22.

Constable's Oath, or two Witnesses.

Forty Shillings, to be levied by Distress and Sale.

Upon Notice by Warrant from the Lord High Admiral, or two principal Officers, or Commissioners of the Navy, or Master, or Lieutenant of the Ordnance, of what Carriages are required for the King, they are to issue Warrants to Places, not twelve Miles distant from the Place of Landing, to send

APPENDIX

Offences. Waggon and Waggoners. Penalties.

send sufficient Carriages, at one Shilling a Mile, for every Tun of Timber, and eight Pence a Mile for all other Provisions.

Stat. 13 & 14 Car. 2. c. 20. Sect. 1.

Persons refusing, neglecting, or delaying to find the Carriages above-mentioned.

Stat. 13 & 14 Car. 2. cap. 20. Sect. 3.

Oath of the Constable, or other Officer, or two Witnesses.

Waggoners, or Carriers, taking more for Land-Carriage of Goods, than the Justices have assessed.

Stat. 3 & 4 W. & M. cap. 12. Sect. 24.

Prosecution in six Months.

Twenty Shillings to be levied by Distress and Sale.

Five Pounds, to be levied by Distress and Sale; for the Use of the Party grieved.

[On, Sell.] To assess yearly at Easter-Sessions, within their Jurisdiction, the Prices of Land-Carriage of Goods, by Waggoner or Carrier.

Stat. 3 & 4 W. & M. c. 12. Sect. 24.

Warren. See Tit. Game.

Watchman.

[Two] TO certify that a Watchman, or other Person endeavouring to apprehend a Burglar, or House-breaker, was killed, which entitles the Executors or Administrators of the Person killed to forty Pounds.

Stat. 5 Ann. c. 31. Sect. 2.

Watermen, &c.

[One] NONE who keep, use, or work; any Boat, Barge, &c. carrying Passengers or Goods for Hire, between Gravesend and

Forfeits ten Pounds on Conviction before the Lord Mayor or one Justice of London, or County where the Offender is found, on Oath of two Witnesses.

[P 2]

A P P E N D I X

Offences.

and *Windsor*, to take or employ any Apprentice or Servant, unless a Housekeeper, or one having some known Habitation or Place of Abode, where he may receive and entertain such Apprentice, &c. which Place, &c. he is to register with the Clerk of the Company, and so on every Removal. And the taking or employing an Apprentice or Servant otherwise.

Stat. 2 Geo. 2. c. 26. Sect. 1.

Clerk of the said Company, on Application, is to register such Habitation or Place of Abode, and is on every Removal, without Fee or Reward; and if he refuses, &c.

Ibid. Sect. 1.

And Waterman, Wherryman, or Lighterman, neglecting or refusing to register their Habitation or Place, or Removal, as aforesaid, on Application to the Rulers of the Company.

Ibid. Sect. 1.

No such Apprentice to be entrusted with the sole Care of any Boat or Vessel, till sixteen Years of Age, if a Waterman's Son, and seventeen, if the Son of a Landman.

Ibid. Sect. 2.

On Breach of any the Orders and Constitutions made by the Rulers for good Government of Water-men, &c. (approved by a Court of Mayor and Aldermen, and confirmed by the Lord Chief Justice of B. R.) If sufficient Distreiss cannot be found, then an Oath thereof before the Lord Mayor, or any one Justice where the Offender is found.

Ibid. Sect. 3.

None

Watermen, &c.

Penalties; levied by Distress, &c. on Warrant of the Lord Mayor or one Justice, or committed to the next Workhouse to Labour, not less than fourteen Days, or above a Month.

Penalties.

Ten Pounds, to be levied and applied as *infra*.

Sect. 9 & 10.

Their Apprentices to be turned over to other Masters.

Ten Shillings on the Master for every Offence; to be levied and applied as *infra*.

Sect. 9 & 10.

Commitment to a Workhouse, &c. to Labour not less than fourteen Days, nor above a Month, if convicted according to this Act, or that of 11 & 12 W. 3. touching Watermen, &c.

Test

A P P E N D I X

Offences.

Watermen, &c.

Penalties.

None but such as have served seven Years to a Waterman or Lighterman (except Trinity-men, Fishermen, Ballast-men, or such as work Western Barges, Mill-Boats, Chalk-Hoys, &c. allowed by the said Act 11 Geo. 2. c. 3.) to row or cause to be rowed or worked any Boat or Vessel, within the said Limits for Hire.

Ibid. Sect. 4.

Ten Pounds, to be levied and recovered *ut supra* for Commitment, &c. *ut supra*.

Note: By Stat. 4 Geo. 2. cap. 24. Ferry-boats, Flatbottom-Boats and Barges, navigated from or between Kingston and Windsor, are exempted from the Penalties of the Stat. 2 Geo. 2. c. 3.

The Assistants of the said Company to be reduced to Thirty.

Ibid. Sect. 5.

The Act not to prejudice the Lord of the Manor of Gravesend, nor the Inhabitants of Gravesend and Milton, as to the Passage and Ferry on the Thames. And Owners of the Keys between Hermitage-Bridge and London-Bridge, may use their large Crafts as before.

Ibid. Sect. 5, 6 & 7.

All Penalties and Forfeitures on this Act to be sued for, &c. by the Rulers of the said Company, or any two of them, as is directed by the said Act 11 Geo. 2. c. 3. and when recovered or levied, paid to them, to be distributed for the Use of the Poor of the said Company, as their Rulers think fit. And all Prosecutions for Penalties, &c. to be within a Month after the Offence.

All Constables and Headboroughs to assist in Execution of the Act. Actions, &c. relating to the Water-Service, or Government of the Company, &c. to be in thirty Days after the Fact. General Issue pleadable; treble Costs on Nonuits, Discontinuances, or Judgments for Defendants: To be a publick Act, and judicially taken Notice of by all the Judges, Justices, &c.

Ibid. Sect. 9 & 10.

Ways. See Highways.

A P P E N D I X

Weights and Measures.

Offences.

[One] **O**NE selling, buying, or keeping any Weight, or Measure, which is not according to the Standard of the *Exchequer*.

Stat. 16 Car. 1. c. 19. Sect. 2.

One Witness.

[Two] **C**lerk of the Market, or any other Officer, who seals any Weight or Measure, not agreeable to the Standard, or refusing to seal such, as are agreeable thereto.

Stat. 16 Car. 1. c. 19. Sect. 4.

One Witness.

If they take any other Fine, Fee, Reward, or Sum of Money, than are allowed by Statute or antient Custom, for Signing, Examining Weights and Measures, or otherwise misdeemean themselves.

Stat. 16 Car. 1. c. 19. Sect. 5.

One Witness.

Selling Corn or Salt by other Bushel, or Measure, than according to the Standard struck even by the Brim.

Stat. 22 Car. 2. c. 8. Sect. 2.

Selling or buying Corn without Measuring, or in other Manner, than according to 22 Car. 2. c. 8. and that without shaking the Measure by the Buyer.

Stat. 22 & 23 Car. 2. cap. 12. Sect. 2.

The Sub-Commissioners, or Collectors of Excise, not providing or procuring within their respective Circuits, or Divisions, a substantial Ale Quart, and Ale-Pint, *Winchester Measure*.

Stat.

Penalties.

Five Shillings for the Poor, to be levied by Distress and Sale; in Default of Distress, to be committed till Payment.

Five Pounds for the Poor, to be levied, *ut supra*.

First Offence five Pounds, second ten Pounds, and twenty Pounds for every other, for the Poor, to be levied, *ut supra*.

Forty Shillings, to be levied by Distress and Sale.

Besides the Penalties of the former Act, all the Corn or Salt, of the Value thereof, forfeited to the Person complaining.

Five Pounds, to be levied and employ'd, *ut supra*.

A P P E N D I X

Offences.

Weights and Measures.

Penalties.

Stat. 11 & 12 W. 3. cap. 15.
Sect. 3.

The Mayor or Chief Officer of every City, Town Corporate, Borough, or Market-Town, neglecting, or refusing, upon Request, to stamp and mark an Ale-Quart, and Ale-Pint.

Stat. 11 & 12 W. 3. cap. 15.
Sect. 5.

One or more Witnesses.
Prosecution to be within thirty Days.

Note: This Act extends not to the Universities; by Stat. 12 & 13 W. 3. c. 11. Sect. 19.

Selling in any other Water-Measure than is according to
Stat. 1 Ann. Sect. 1. c. 15. Sect. 1.
One Witness.

Note: This extends not to London.

[Two] Persons buying and selling with any other Weights and Measures, than such as are marked, except on Shipboard.

Stat. 11 H. 7. c. 4. Sect. 12.
Quor. 1.

[Qu. Sect.] The King's Purveyor, or any other buying or taking any Corn by any other Measure, than eight Bushels striked for the Quarter.

Stat. 1 H. 5. c. 10. Sect. 2.

Importing or making any Tun of Wine less than 252 Gallons *English* Measure, the Pipe 126, the Barrel of Herrings and Bels thirty Gallons, the Butt of Salmon 84 Gallons.

Stat. 2 H. 6. c. 11. Sect. 3, 4.

Five Pounds, to be levied and employ'd, *us supra*.

Ten Shillings, to be levied by Distress and Sale.

One Half to the Informer, the other to the Poor.

First Offence six Shillings eight Pence, Second thirteen Shillings four Pence, and Pillory; and the Weights and Measures to be broke, and burnt.

Five Pounds to the King, and as much to the Party griev'd, and a Year's Imprisonment.

Forfeits the Commodities therein contained to the Lord of the Town, where they are found; the Prosecutor to have the fourth Part.

A P P E N D I X

Offences.

Weights and Measures.

Penalties.

Every City, Borough, and Town within *England*, that has not a common Balance, with common Weights sealed, according to the Standard of the *Exchequer*, at the Costs of the City, &c. in the Keeping of the Head Officer, or Constable there.

Stat. 8 H. 6. c. 5. Sect. 9.

In every City, Borough and Town, there shall be a common Bushel sealed.

Stat. 11 H. 6. c. 8. Sect. 10.

Measures and Weights of Brass shall be sent to every City and Borough, there to be kept, as their Treasure, according to which all Measures and Weights in every County shall be reformed.

Stat. 11 H. 7. c. 4.

The Mayor, or Chief Officer, in Cities and Boroughs, shall have a special Mark, wherewith he shall seal the Measures and Weights, and shall take for Sealing a Bushel one Penny, every other Measure an Half-penny; 100 Weight one Penny, Half 100 an Half-penny, every less Weight a Farthing. Refusing or delaying to Seal, or doing any Thing contrary to

Stat. 11 H. 7. c. 4.

Justices of the Quarter-Sessions are to give in Charge the Statute for ascertaining the Measures of Ale and Beer.

Stat. 11 & 12 W. 3. c. 15. Sect. 9.

The City forfeits ten Pounds to the King, the Borough five Pounds, and every other Town forty Shillings.

The Inhabitants to weigh *gratis*. Foreigner to pay for under 49 lb. a Farthing; for between 40 and 100 lb. a Half-penny; for between 100 and 1000 lb. one Penny, towards Maintaining the Weights.

Refrain'd to Market-Towns, by Stat. 11 H. 7. c. 4.

Upon the Penalties in 8 H. 6. c. 5.

Forty Shillings, to be divided between the King and the Party grieved.

Westminster.

Westminster.

Offences.

[Special Sess.] **C**onstables, Church-wardens, and Vestry-men in Westminster and Weekly Bills on 26 of December yearly, to make Lists of a competent Number of Inhabitants to be returned in ten Days after, to two or more Justices at a Special Sessions.

Stat. 2 Geo. 2. c. 11. Sect. 1.

The said Justices to give Notice two Days before, of holding such Sessions; and then by their Warrant appoint two or more out of the said Lists, to be Surveyors of the Streets, &c. *Ibid.*

Constables, Headboroughs, or Beadles, within six Days after to give Notice to the Persons so appointed, by serving them with the said Warrant, or leaving a Copy at their House, &c. And if the Party so appointed and served, refuse or neglect to execute the said Office.

Stat. 2 Geo. 2. c. 11. Sect. 1.

And on Refusal or Death of a Surveyor, the Justices to appoint others, who neglecting or refusing, forfeit

Twenty Pounds, leviable by Distress, by Warrant of two Justices, on Oath of one Witness, payable to such as shall act as Surveyors, and applied by such Justices Order, for the Uses of the Act.

Twenty Pounds in like Manner.

And Constables or Church-wardens, not returning Lists, &c.

Ibid. Sect. 1.

Surveyors so appointed, within ten Days after their accepting the Office, (and so every six Weeks after, if the Justices at a Special Sessions think fit) to view all Streets, Lanes, and Alleys, within their Parish or Division; and make Return thereof in Writing on Oath, to a Special Sessions, to be held the Week preceding the General Quarter-Sessions, or General Sessions, with the Names of all Inhabitants, Landlords, &c. whose Payments are out of Repair. And such Special Sessions shall examine the Errors and Mistakes of such Return, which when

Ten Pounds in like Manner.

2. The Penalty.

* Note; The Justices are to hold such Special Sessions on Pain of five Pounds on each Justice. *Ibid.*

A P P E N D I X

Offences.

Westminster.

Penalties.

when settled, any two of them shall present, under their Hands and Seals, to the next General Sessions for *Westminster* or *Middlesex*, respectively, in *English* thus, viz.

A Presentment of the Surveyors of the Streets for the Parish, Division, or Place of _____ made to us and other Justices of the Peace assembled in a Special Sessions, in Pursuance of an Act of Parliament for better paving and cleansing the Streets in the City and Liberty of Westminster, and other Places within the Weekly Bills of Mortality, in the County of Middlesex, on the _____ Day of _____, in the Year of our Lord _____, which Presentment we have examined on Oath, and do approve of, and do return to this Court of Sessions.

Ibid. Sect. 2.

Note: It is sufficient, in such Presentment, to insert only the Christian and Surname of such whose Pavements are out of Repair, with the Names of the Streets or Places, and the Contents of the Pavement.

And Surveyors and Justices are in like Manner to present Nuisances or Obstructions, relating to the cleansing or paving the Streets. And such Presentment, under two Justices Hands and Seals, is of equal Force with that on View by two Justices, of a Highway out of Repair. And the General Sessions are to proceed thereon, as by the Laws relating to Highways.

Ibid. Sect. 3.

[Two Just.] Surveyors (if two Justices think fit, &c.) may cause publick Notice in the Parish Church, after Morning Service or Sermon, by the Parson or Clerk, of all Defaults and Neglects in Repairing the Streets, and of the Defaulters Names, &c. And if not amended in twenty Days after, may cause them to be amended, and shall be re-imburshed by him who ought to have done it; and if he on Demand refuse or neglect to pay it, the Surveyors on Application to a Justice of that District, and making Oath of his Charges, shall be paid all such Charges as shall be allowed by such Justice.

Ibid. Sect. 4.

Also the Surveyors are to pave or repair before empty or unoccupied Houses, giving an Account to the next Special Sessions of such as require to be new paved; and if the Justices there think it fit, the Surveyor is to see it done forthwith. And the Charge of Repairing or new Paving to be settled by two Justices in Special Sessions, with such Recompence to the Surveyor for his Trouble, Loss of Time, and Disbursing his Money, as they think fit.

And

A P P E N D I X

Offences.

Westminster.

Penalties.

And what they allow is to be levied on the next Tenant or Occupier (by Distress and Sale, on Warrant of two Justices) who may deduct it out of his Rent. And if such House be burnt or pull'd down, it may be levied on the Materials, or on the Tenant, or Occupier, when rebuilt.

Ibid. Sect. 5.

A Surveyor neglecting his Duty required by this Act.

Ibid. Sect. 6.

Forty Shillings for every Offence, to be levied in a Month after, and paid and disposed, *ut supra*.

A Justice of Peace so neglecting or refusing.

Ibid. Sect. 7.

Five Pounds, one Moiety to the Prosecutor, the other to the Uses in the Act. To be sued for at *Westminster*, within six Weeks after the Offence. 2.

Where Justices on View or Presentment, find any Irregularity or Damage in Pavements, by laying or amending Water-pipes, they may order the Surveyors or Inhabitants to amend it, to be repayed by the Proprietors of such Water-works; and if not repayed on Demand, the said Justices or two of them, (on Oath of the Premises) are to levy the Expences, &c. of the Goods and Chattels, on any of the Chief Officers, Treasurers, Cashiers, Collectors, or Pavers of such Water-works, with the Charges of Distress, &c.

Ibid. Sect. 8.

[One Just.] If any Justice of *Westminster* or *Middlesex*, at such Special Sessions, shall in Writing signed, make Presentment on his View, of any Offence within this Act, it shall have the Force of a Return, by a Surveyor, *ut supra*. And such Sessions or Adjournment thereof, are to proceed thereon accordingly. And Justices are to take all possible Care to cause the said Pavements to be reduced to a proper Level, &c. as soon as may be.

Ibid. Sect. 9.

[Two Just.] All Laws in Force for cleansing, &c. the Streets in *Westminster*, and *Weekly Bills*, to be observed, especially all Clauses, &c. in the Stat. 2 W. & M. and 8 & 9 W. 3. to be put in Execution by any two Justices in their respective Limits, as far as consistent herewith.

Ibid. Sect. 10.

And Scavengers, Rakers, &c. to lay in Heaps all the Dirt in the several

Forty Shillings for every Neglect, to be levied and disposed, *ut supra*.

A P P E N D I X

Offences.

Westminster.

Penalties.

several Streets, Ways, and Passages
in their respective Divisions, and
carry the same away.

Ibid. Sect. 10.

~~This Act not to extend to any of the Royal Palaces, or St. James's Square.~~

Ibid. Sect. 11.

Such Special Sessions, held *us supra*, may allow Surveyors not exceeding eight Pounds *per Ann.* payable out of the Scavengers Rates. And the Clerk of the Peace, or his Deputy, &c. shall not ask or receive any Fee or Reward for any Thing done in Pursuance of the Act.

Ibid. Sect. 12.

~~Oxford Street, Coventry Square, and all the Streets and Passages now, or hereafter in Mary-bone Fields, to be within this and the said Acts, 2 W. & M. and 8 & 9 W. 3.~~

Ibid. Sect. 13.

~~This Act to continue for three Years from 4 Janii 1729. and to the End of the next Session. Declared a Publick Act, and General Issue pleadable, &c. And if the Plaintiff be Nonfuit, Discontinue, or Verdict against him, or Judgment on Demurrer, the Defendant to have treble Costs, &c.~~

Ibid. Sect. 14.

~~See also Tit. Highway and Scavenger.~~

~~Salute Herrings, See Salt.~~

~~Wild fowl, See Tit. Game.~~

Ibid. Sect. 15.

G A R D E N S

[Two] **T**O put in Execution the Statute of 7 & 8 W. 3. for laying a Duty on Houses; and also 8 & 9 W. 3. c. 20. and 1 Ann. c. 13. and 5 Ann. c. 13. and 7 Ann. c. 7. concerning the same Duty.

[Three]

ALP P R E A N D I X

Offences.

Woods.

Penalties.

[Three] May annually appoint two such Persons, as they shall think able and responsible, to be Collectors of the Duties on Houses, whether their Names be or be not presented by the preceding Collectors.

Stat. 6 Geo. 1. c. 2. Sect. 49.

Where there shall be any Arrears of the Duty on Houses, by the Failure of any Collector, for which any Parish or Place shall be answerable, to cause such Arrears to be raised by Re-assessment, and to be paid to the Receiver General, or into the Exchequer.

Ibid.

To be levied by such Ways and Means, as the Duties on Houses are raised and levied.

Wood.

[One] Persons suspected for having or conveying any Wood, Under-wood, Poles or young Trees, Bark or Bast of Trees, or any Gates, Stiles, Posts, Pales, Rails, Hedge-wood, Broom or Furze found by a Search-Warrant, and can give no good Account how they came by the same; or if they do not, in convenient Time, produce the Person, of whom they bought the same, or some Witnesses to prove Sale on Oath, Constables or any other Person may apprehend them.

Stat. 15 Car. 2. c. 2. Sect. 3.

See 43 Eliz. c. 7. in Tit. *Drichards*.

Maliciously setting on Fire, or burning Wood, Under-wood, or Coppice.

Stat. 1 Geo. 1. c. 48. Sect. 4.

First Offence, Convicts within 43. Eliz. c. 7. and accordingly punished; and shall make such Recompence, and in such Time, as Justice shall appoint; and a Sum not exceeding ten Shillings, as Justice shall direct for the Poor; in Default to be committed to the House of Correction, not to exceed a Month, or be whipped.

Second Offence, to be sent to the House of Correction for a Month, to be kept to hard Labour.

Third, to be deemed incorrigible Rogues.

Felony, &c.

[Two]

A P P E N D I X

Offences.

Wood.

Penalties.

[Two] When appointed by the Sessions, shall summon twelve Commoners to set out the fourth Part of Woods, or Coppices, where they have Common, for the Lord, Owner of the Soil; to fell, or cut down.

Stat. 35 H. 8. c. 17. Sect. 17. 2

If any Person shall either by Day or Night, maliciously and in a clandestine and private Manner, cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil, or carry away any Wood-Springs, or Springs of Wood, Trees, Poles, Wood, Tops of Trees, Underwoods, or Coppice-woods, Thorns, or Quicksets, without the Consent of the Owner, or Person entrusted with the Care and Custody thereof, or shall break open, throw down, level, or destroy any Hedges, Gates, Posts, Stiles, Railings, Walls, Fences, Dikes, Ditches, Banks, or other Inclosures of Woods, Wood-grounds, Parks, Chases, or Coppices, Plantations, Timber-Trees, Fruit-Trees, or other Trees, Thorns, or Quicksets.

Stat. 6 Geo. 1. c. 16. Sect. 1.

May upon Complaint of any Inhabitant of the Parish, where Wood, Wood-Springs, &c. are in a riotous, and open, or secret and clandestine Manner, forceably or wrongfully, and without Consent of the Proprietor, &c. cut down, destroyed, broke, bark'd, thrown down, burned, defaced, spoiled, or carried away: Or where any Hedges, Gates, Posts, Stiles, Rails, Fences, Ditches, Banks, or Inclosures are maliciously broke open, thrown down, levell'd, or destroyed, cause Offenders to be apprehended; and if convicted.

Stat. 6 Geo. 1. c. 16. Sect. 2.

Or Justices in open Sessions, upon Complaint of any Inhabitant of the Parish where Timber, Trees, &c.

[Two] 4 are

Lords of Manors, Owners and Proprietors, that are damaged, shall recover such Damages against the Parish, as the Stat. 13 Ed. 1. directs, if the Parish do not convict the Offender in six Months.

Liabie to the Penalties and Punishments in the

Stat. 1 Geo. 1. Sect. 2. c. 48.

Commit them to the House of Correction to hard Labour, for three Months, without Bail; and to be whipped

A P P E N D I X

Offences.

Wool.

Penalties.

are maliciously cut, &c. may cause the Offenders to be apprehended, and finally, hear, determine, and adjudge such Offenders; and after Conviction.

Stat. 1 Geo. 1. c. 48. Sect. 2.

whipped once a Month in the next Market-Town, on the Market-Day, between eleven and two. And not to be discharged, till Security given for their Good Behaviour for two Years.

Sect. 3.

Where there is no House of Correction, to be committed to the common Gaol for four Months, and to be whipped by the common Hangman once a Month.

Wool.

[Du. Sell.] **P**ersons pressing together with Scrues, Presses, or other Engines into any Sack, Bag, &c. or putting or pressing any Wool, or Yarn made of Wool into any Cask or Vessel, or causing to be laid near the Shoar, or Coasts of the Sea, or any navigable River; or into any House or Place adjoining, any Wool, Wool-fells, or Yarn made of Wool, to export the same.

Stat. 13 & 14 Car. 2. cap. 18. Sect. 7.

Conveying of Packs, Bags, or Casks of Wool, &c. to or from any Place in England, &c. but at seasonable Times, (*viz.* from March 1 to September 29, between Four in the Morning and Eight in the Evening; and from September 29 to March 1, between seven in the Morning and five in the Evening.)

Stat. 13 & 14 Car. 2. cap. 18. Sect. 9.

The Transportation or Conveying the Wool, &c. mentioned in

Forfeit the same, or to the Value, to be divided between the King and the Prosecutor.

The Loss of all such Goods, or the Value, to be divided, *ut supra.*

A common Nufance.

Stat.

A P P E N D I X

Offences.

Wool.

Penalties.

Stat. 13 & 14 Car. 2. cap. 18.
Sect. 11.

See Tit. Cloth.

Words Spoken against the Queen's Title.

[One] **T**O take the Information of Words spoken against the Queen's Title to the Crown, &c. in three Days after they were spoken, but not after.

Stat. 4 Ann. c. 8. Sect. 3.

— 6 Ann. c. 7. Sect. 3.

Two Witnesses.

Worsh. See Tit. Poor and Vagabonds.

Worshmen. See Tit. Hardest Worshmen.

Wrecks.

[One] **O**wner of, or Captain, Master, Mariner, or other Officer, belonging to any Ship, who shall wilfully cast away, burn, or otherwise destroy the Ship, or directing or procuring the same to be done, (if to the Prejudice of Persons under writing Policies of Insurance, or Merchants loading Goods thereon.

Stat. 4 Geo. 1. c. 12. Sect. 3.

To suffer Death.

Note; The Stat. 12 Ann. Sect. 2. c. 18. enforced and made perpetual by

4 Geo. 1. c. 12. Sect. 1.

See Ships.

Wrought Plate.

[One] **E**VERY Officer for the Duties on Wrought Plate or Manufactures of Silver, who shall be impowered to make a Charge on the Maker or Worker of Plate, &c. shall in the first place be sworn for the due and faithful Execution of his Office by any Justice of the Peace, who shall give such Officer a Certificate thereof.

Stat. 6 Geo. 1. c. 11. Sect. 11.



F I N I S.

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